

## CODE OF THE COUNTY OF YORK

## Chapter 20.5

## SUBDIVISIONS

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**ARTICLE I. GENERAL PROVISIONS****Sec. 20.5-1. Title.**

This chapter shall be known and may be cited as the "Subdivision Ordinance of York County, Virginia," or simply as the "Subdivision Ordinance" when, by its usage, its applicability to York County, Virginia is implied or understood.

**Sec. 20.5-2. Purpose.**

The purpose and intent of this chapter is to establish procedures and standards which support and guide the proper subdivision of land in York County, Virginia, and serve the following purposes:

- (a) To protect and promote the public health, safety, and general welfare of the county and its citizens.
- (b) To guide the future growth and development of the county.
- (c) To provide for adequate light, air, privacy, and healthful conditions by preventing overcrowding of the land and undue congestion of population.
- (d) To protect and promote reasonable safety from fire, flooding, and other natural and manmade disasters.
- (e) To protect the character and economic stability of all parts of the county by encouraging the orderly and beneficial development of land and by minimizing potential conflicts among the uses of land.
- (f) To provide for the coordination of streets and other manners and modes of transportation through the dedication or reservation of public rights-of-way so that congestion and safety problems can be avoided.
- (g) To ensure the adequacy and maintainability of public utilities and facilities through the dedication or reservation of easements and extensions.
- (h) To establish reasonable standards for the design and layout of subdivisions and to ensure proper legal descriptions and monumentation of subdivided land.
- (i) To prevent the degradation of the natural environment, and especially the Chesapeake Bay, by encouraging the wise management and use of natural resources including the preservation of environmentally sensitive natural features and land areas and ensuring that no more land is disturbed than is absolutely essential to support the proposed development.
- (j) To preserve the natural beauty and features of the county and to ensure that development of land is compatible with these features.
- (k) To promote the provision of open spaces through the efficient and harmonious design and use of land.
- (l) To ensure that land is developed in general conformance with the comprehensive plan within the guidelines set forth in the zoning ordinance.

**Sec. 20.5-3. Effective date.**

- (a) This chapter shall be effective on December 1, 1991, at which time, Appendix B, Subdivision Ordinance, York County Code, and all amendments thereto shall be repealed.

- (b) The adoption of this chapter shall not abate any pending action, liability or penalty of any person accruing or about to accrue, nor waive any right of the county, under any provision in effect prior to the effective date of this chapter, unless expressly provided for in this chapter.
- (c) Any subdivision for which a plat has received written approval prior to the effective date of this chapter and for which a final plat is recorded within one (1) year of the date of such approval, may be developed in accordance with the subdivision ordinance in effect on the date of such approval.

#### **Sec. 20.5-4. General rules of interpretation.**

For the purpose of this chapter, certain words and terms shall be interpreted as follows:

- (a) Words used in the present tense include the future tense; words in the singular include the plural, and the plural includes the singular unless the obvious construction and context indicates otherwise.
- (b) The word "SHALL" is a mandatory requirement; the words "MAY" and "SHOULD" are permissive requirements.
- (c) The term "PERSON" includes individuals, partnerships, corporations, clubs and associations.
- (d) The word "INCLUDES" and its various forms does not limit a term to the specified examples, but is intended to extend the term's meaning to all instances or circumstances of a similar kind, character, or class.
- (e) Any reference to "THIS CHAPTER" or "THIS ORDINANCE" shall mean the Subdivision Ordinance of York County, Virginia and all amendments hereto; any reference to "THIS CODE" shall mean the Code of the County of York, Virginia and all amendments thereto.
- (f) References to sections of the Code of Virginia are applicable as to the effective date of this chapter. Subsequent changes to those sections, including renumbering, which do not result in a change in content or effect, shall be deemed to be incorporated herein, *mutatis mutandis*.

(Ord. No. 05-33, 12/20/05)

#### **Sec. 20.5-5. Definitions.**

For the purpose of this chapter, certain words and terms shall be interpreted as follows:

*Agent.* The county administrator or his designee.

*Arborist.* Any individual trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees. This definition shall also incorporate the term urban forester.

*Architect.* Any individual licensed by the Commonwealth of Virginia to practice architecture.

*Architect, landscape.* An individual certified by the Commonwealth of Virginia to practice landscape architecture.

*Average daily traffic (ADT).* The average number of vehicles per day which pass over a given point on a roadway.

*Best management practice (BMP).* A practice, or combination of practices, that is determined by a state agency or the Hampton Roads Planning District Commission to be the most effective, practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

*Block.* Land containing lots which are bounded by streets or a combination of streets and public lands, railroads, rights-of-way, shorelines, or boundaries of the county.

*Board.* The Board of Supervisors of York County, Virginia.

*Buffer.* An area, fencing, landscaping, or a combination thereof used to shield or block noise, lights, glare, pollutants, or other potential or actual nuisances. When located within a Chesapeake Bay Preservation Area or Watershed Protection Area, buffer shall mean an area of natural or established vegetation to protect other components of a resource protection area, reservoirs and state waters from significant degradation due to land or other disturbances.

*Caliper.* The diameter of a tree trunk measured six inches (6") above ground level for nursery stock and four and one-half feet (4½') above ground level for naturally occurring trees.

*Central water system.* A water system in which all connections in the subdivision are served by one (1) or more water sources through a common distribution system owned and operated by the county or other governmental entity, including all structures, hydrants, property, equipment and appurtenances used in the collection, storage, and distribution of water.

*Certificate of occupancy.* A document issued by the county permitting the occupancy or use of a building.

*Channel.* The bed and banks of a watercourse which conveys the perennial or intermittent flow of that watercourse.

*Chesapeake Bay Preservation Area.* Any land designated by the county pursuant to the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20-70 et seq.) and sections 10.1-2107, et seq., Code of Virginia of the Chesapeake Preservation Act, as they may be amended from time to time. The Chesapeake Bay Preservation Area consists of a Resource Management Area (RMA) and a Resource Protection Area (RPA).

*Commission.* The York County Planning Commission.

*Condominium.* A building, or group of buildings, in which units are owned individually and the structure, common areas and common facilities are owned by all the owners on a proportional, undivided basis and which has been created by the recordation of condominium instruments pursuant to the provisions of chapter 4.2 of title 55, Code of Virginia.

*Condominium association.* The community association which administers and maintains the common property and common elements of a condominium. Title to the common property is held on a proportional, undivided basis by the condominium owners.

*County administrator.* The County Administrator of York County, Virginia as appointed by the board.

*County attorney.* The County Attorney of York County, Virginia as appointed by the board.

*Cul-de-sac.* A minor street with only one outlet and having a circular turnaround at the opposite end for the safe and convenient reversal of traffic movement.

*Declaration.* Any instrument, however denominated, recorded with the clerk of the circuit court of the county that imposes on a property owner's association maintenance or operational responsibilities for common areas and creates the authority in the property owner's association to impose on lots, or on the owners or occupants of such lots, or any other entity, any mandatory payment of money in connection with the provision of maintenance or services, or both, for the benefit of some or all of the lots, the owners or occupants of the lots, or the common area. The term shall include any amendment or supplement to the instruments described herein. It shall not, however, include a declaration of a condominium, real estate cooperative, timeshare project or campground.

*Design hour.* The worst-case traffic situation on a given street or within a roadway network or system expected to occur within a one-hour period during a weekday in the design year.

*Design year.* The year in which the project is anticipated to be completely constructed and occupied, or twenty (20) years from initial development, whichever shall be later.

*Detention basin.* A manmade or natural water impoundment designed to collect surface and sub-surface water in order to impede its flow and to release it gradually at a rate not greater than that existing prior to the development of the property, into adequate natural and/or manmade outlets or channels. Also referred to as a "dry pond."

*Development.* Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, excavating, mining, filling, grading or paving.

*Drainage.* The removal of surface water or groundwater from land by drains, ditches, piping, grading, or other means.

*Drainage facility.* Any component of the drainage system.

*Drainage structure.* Any manmade component of the drainage system.

*Drainage system.* The system through which water flows from the land including all drainage structures, drainage facilities, watercourses, waterbodies and wetlands.

*Duplex.* A dwelling unit for single-family occupancy attached to one other single-family dwelling unit by a common vertical fire-resistant wall with each dwelling unit located on a separate lot.

*Easement.* A grant by one property owner to another, recorded with the clerk of the circuit court, of the right to use the described land for specific purposes.

*Engineer.* An individual licensed by the Commonwealth of Virginia to engage in the practice of engineering.

*Environmental constraints.* Features, natural resources, or land characteristics that are sensitive to development activities and/or installation of improvements and may require conservation measures and/or the application of creative development techniques to prevent degradation of the environment. In some instances, environmental constraints may limit or preclude development.

*Erosion.* The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, or gravity.

*Fire department.* The York County Fire and Rescue service.

*Floodplain.* A land area likely to be inundated by a flood.

*Geodetic control network.* A system of survey monuments whose precise positions have been established and from which additional surveys can be derived. The geodetic control network in the York County has two (2) components:

- (a) *Primary network.* A system of one hundred thirty (130) survey monuments located throughout the county the precise positions and elevations of which have been established by rigorous ground and global positioning surveys, and which are fully referenced to the *Virginia Coordinate System of 1983 (South Zone)* and the *1983 North American Datum*.
- (b) *Secondary network.* A system of survey monuments located in and on subdivision boundaries and rights-of-way the positions of which have been established by ground surveys.

*Health department.* The Commonwealth of Virginia Department of Health or an authorized official thereof.

*Highway/roadway capacity.* The maximum number of vehicles that can be expected to travel over a given section of roadway or a specific lane during a given time period under prevailing roadway conditions and prevailing traffic patterns and conditions.

*Impervious surface.* A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, decks, streets, parking areas, and any concrete, asphalt, or compacted aggregate surface.

*Improvements.* All public and quasi-public utilities and facilities including streets, sanitary sewers, waterlines, stormwater management and erosion control facilities, monuments, signs, sidewalks, streetlights, and all other similar features required by this chapter or by the zoning ordinance.

*Landscaping.* The improvement of a lot or parcel with grass, ground covers, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may include earthforms, pedestrian walks, flower beds, ornamental objects such as trellises, fountains or statues, and other natural features.

*Land surveyor or surveyor.* An individual certified and licensed by the Commonwealth of Virginia to engage in the practice of land surveying.

*Level of service (LOS).* A set of criteria which describes the degree to which an intersection, roadway, lane configuration, weaving section or ramp serves peak period and/or daily traffic.

*Lot.* A unit, division, or piece of land; generally created as a result of subdivision of property. The term is synonymous with plot, parcel, premises, and site.

*Lot, corner.* A lot abutting two (2) or more streets at their intersection.

*Lot, flag.* A lot which does not abut a public street other than by its driveway or other strip of land not meeting the required minimum frontage standards.

*Lot, infill.* A vacant lot for new development which is located within a built-up area.

*Lot, interior.* A lot other than a corner lot.

*Lot, through.* An interior lot abutting two (2) or more streets which do not intersect at the boundaries of the lot.

*Lot frontage.* The distance along a street between one side lot line to another.

*Lot of record.* Any lot created by the recordation of a plat in the office of the clerk of the circuit court, provided that:

- (a) Such lot and plat complied fully with all regulations in the subdivision ordinance and zoning ordinance in effect at the time of such recordation; or
- (b) Such lot and/or plat was not in conformance with the regulations contained in the subdivision ordinance or zoning ordinance at the time of said recordation, but has become conforming by subsequent amendment of said regulations.

*Monument or survey monument.* A permanent structure or edifice used or installed to mark the position of a survey station.

*Multiplex.* A dwelling unit for single-family occupancy consisting of a combination (back-to-back, side-to-side, or back-to-side) of at least three (3) and not more than six (6) such units with each unit having at least two (2) exterior exposures, each unit separated from any other by common fire-resistant walls, and each unit located on a separate lot.



*Open space.* An area intended to provide light and air, and designed, depending on the situation, for environmental, scenic, and/or recreational purposes. The computation of open space shall not include drive-ways, parking lots, or other surfaces designed or intended for motorized vehicular traffic.

*Open space, common.* Open space within or related to a development, not a part of individually owned lots or dedicated for general public use, but designed and intended for the common ownership, enjoyment and use of all the residents or property owners of the development.

*Parcel identification number.* A number or series of numbers assigned by the county which uniquely identifies each parcel of land in the county.

*Peak period.* (also peak hour) The period or hour in which the heaviest traffic volume occurs on a roadway or within a network.

*Planting area.* The area within which vegetation is installed which provides a sufficient bed to maintain and ensure the survival of trees and other vegetation.

*Plat.* A plan or map of a tract or parcel of land, meeting the requirements of this chapter, which is to be or has been subdivided. As a verb, the term is synonymous with subdivide.

*Plat, record.* A plat prepared and approved in accordance with this chapter which meets the Standards for Recorded Instruments of the Virginia State Library Board and which has been or is intended to be submitted to the clerk of the circuit court for recordation.

*Preliminary plan.* A map or plan indicating the proposed layout of a development together with related information that is submitted to the county for preliminary approval.

*Property, subdividable.* A unit or units of land of such size and dimensions that it may be subdivided into two (2) or more lots.

*Property owners association.* As defined in section 55-508, Code of Virginia, a property owners association means an incorporated or unincorporated entity that is referred to in a declaration. The term includes homeowners associations, however, it shall not include condominium, cooperative, timeshare, or membership owners associations.

*Public sewer and/or water.* A sewer or water system owned and operated by a municipality, county, service authority, or sanitary district.

*Reserve strip.* A narrow piece of land adjacent to a public right-of-way, the purpose of which is to prevent access to said public right-of-way. This term does not include the reservation of property solely for future widening of the road right-of-way.

*Resource Management Area (RMA).* The component of the Chesapeake Bay Preservation Area that is not classified as a Resource Protection Area. The RMA is contiguous to and 500-feet landward of the Resource Protection Area or the extent of the 100-year floodplain, whichever is greater.

*Resource Protection Area.* The component of the Chesapeake Bay Preservation Area comprised of tidal wetlands; nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow; tidal shores; and a vegetated buffer not less than 100-feet in width located adjacent to and landward of the components listed above and along both sides of any water body with perennial flow. These lands have an intrinsic water quality value due to the ecological and biological processes that they perform or are sensitive to impacts, which may result in significant degradation to the quality of state waters.

*Retention basin.* A pond, pool, or basin used for the permanent storage of water runoff. Also referred to as a "wet pond."

*Right-of-way.* The total width of land dedicated or reserved for public or restricted travel, including pavement, ditches, curbing, gutters, sidewalks, shoulders, and sufficient land for the maintenance thereof.

*Roadway geometrics.* The alignment, curvature, horizontal and vertical grade, shoulder and drainage structure configuration, and other similar details relating to a roadway or segment thereof.

*Sanitary sewer.* Pipe conduits used to collect and carry away domestic or commercial/industrial sewage from the generating source to treatment plants. Storm, surface and ground waters are not intentionally admitted into sanitary sewers.

*Sedimentation.* A deposit of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion.

*Septic system.* An underground system with a septic tank and one (1) or more drainlines depending on volume and soil conditions which is used for the decomposition of domestic wastes. This type of system may also be referred to as a soil absorption system.

*Setback.* The required minimum distance from any street right-of-way, lot line, or other designated line which establishes the area within which buildings or structures may be erected.

*Setback line.* A line or lines showing the required minimum front, rear, and side setback distances as established in the zoning ordinance.

*Shrub.* A relatively low-growing woody plant typified by having several permanent stems instead of a single trunk. For purposes of this chapter, shrubs shall be further defined as follows:

- (a) *Deciduous shrub.* Any shrub which sheds its foliage during a particular season.
- (b) *Evergreen shrub.* Any shrub which retains its foliage throughout the entire year.

*Sight triangle.* A triangular-shaped portion of land established at street intersections and entrances onto streets in which nothing is permitted to be erected, placed, planted or allowed to grow in a manner that limits or obstructs the sight distance of motorists, bicyclists or pedestrians traversing or using the intersection or entrance. (See Figure VI-A in Appendix A).

*Street.* An existing or platted right-of-way dedicated for the use of the general public, or portions thereof, either accepted by the Department of Transportation, or approved under the terms of the zoning ordinance as a private transportation system. A street shall provide vehicular and pedestrian access to property for all purposes of travel, transportation and/or parking to which it is adopted, devoted, or dedicated. The term is synonymous with road, lane, drive, avenue, highway, roadway, thoroughfare, or any other term of like or common meaning. For the purposes of this chapter, streets shall be further defined and classified as follows:

- (a) *Access street.* The lowest order of street, designed to serve low volumes of traffic at low operating speeds. As its primary function is to provide access to individual lots, access streets should carry only the volume of traffic generated on the street itself. Cul-de-sacs and other terminal streets are typical of this order of street.
- (b) *Subcollector street.* The second order of street, designed to carry moderate volumes of traffic, at the same low operating speeds as access streets. Such streets collect traffic from access streets as well as provide access to individual lots. Long cul-de-sacs and other terminal streets may be within this order of streets where their traffic volumes exceed the standards for access streets.
- (c) *Collector street.* The highest order of street generally permitted within a residential subdivision, designed to conduct and distribute traffic between streets of lower order and streets of higher order linking major activity centers. The class is further divided into "major collector" and "minor collector" based on traffic volumes.
- (d) *Arterial street.* Includes streets and roads which function within a regional network conveying traffic between major activity centers. The purpose of such streets and roadways is to carry relatively large volumes of traffic at higher speeds. Direct residential lot access is prohibited while commercial or

industrial lot access is controlled and limited to high trip volume generators. Like collector streets, the arterial class is further divided into "major arterial" and "minor arterial" based on traffic volumes.

- (e) *Expressways and freeways.* The highest order of roadway, designed exclusively for unrestricted movement of traffic. Access is only with selected arterials by means of interchanges.

*Subdivider.* An individual, corporation, partnership, or other entity owning any property to be subdivided.

*Subdivide/subdivision.* The division of a lot, tract, or parcel of land into two (2) or more lots, parcels, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership.

*Townhouse.* A type of multiplex for single-family occupancy constructed in a row of at least three (3) and not more than six such units, with each having its own front and rear or side exterior access, each unit separated from any other by common fire-resistant walls, and each unit located on a separate lot.

*Traffic, background.* The number of trips existing or projected to exist on a roadway or roadway system without the proposed land use under study, i.e., traffic not directly or indirectly caused or attracted by the analyzed land use.

*Transportation, department of.* The Virginia Department of Transportation (VDOT).

*Tree.* A woody perennial plant generally with one main stem or trunk, but including multiple stemmed plants, which develops many branches, generally at some height above the ground. For the purposes of this chapter, trees shall be further defined as follows:

- (a) *Deciduous tree.* Shade or flowering/ornamental tree which sheds its foliage during a particular season.
- (b) *Evergreen (or coniferous) tree.* Any Tree which retains its green foliage year round.
- (c) *Heritage tree:* Any tree which has been designated by ordinance of the board of supervisors as having notable historic or cultural significance to any site or which has been so designated in accordance with an ordinance adopted pursuant to section 15.2-2306 Code of Virginia.
- (d) *Mature tree.* Any deciduous or coniferous tree with a minimum diameter (caliper) of fourteen inches (14") when measured four and one-half feet (4½') above ground level.
- (e) *Memorial tree.* Any tree which has been designated by ordinance of the board of supervisors to be a special commemorating memorial.
- (f) *Significant tree.* Any deciduous or coniferous tree with a minimum diameter (caliper) of twenty-two inches (22") when measured four and one-half feet (4½') above ground level.
- (g) *Specimen tree.* Any tree which has been designated by ordinance of the board of supervisors to be notable by virtue of its outstanding size and quality for its particular species.

*Tree cover.* The area directly beneath the crown and within the dripline of a tree.

*A tree crown.* The aboveground parts of a tree consisting of the branches, stems, buds, fruits, and leaves. Also referred to as "tree canopy."

*Trip.* A single or one-way vehicle movement to or from a property, site, driveway or study area.

*Trip assignment.* The assignment of vehicle trip volumes (site-generated and background) to the roadway network around a development, and the assignment of site-generated volumes to individual and specific driveways/local streets within the development. The process entails analyzing all trips, both entering and exiting.

*Trip ends.* The total number of trips entering plus the total number of trips exiting a site over a designated period of time.

*Trip generation.* The number of trip ends caused, attracted, produced and otherwise generated by a specific land use, activity or development.

*Wetlands.* Wetlands are divided into two (2) classes:

- (a) *Nontidal wetlands.* Those wetlands other than tidal wetlands, that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U. S. Environmental Protection Agency pursuant to section 404 of the Federal Clean Water Act, 33 C.F.R. 328.3b, as may be amended from time to time.
- (b) *Tidal wetlands.* Vegetated and nonvegetated wetlands as defined in section 28.2-1300 of the Code of Virginia.

*Woodland.* A tract of land dominated by trees but usually also containing woody shrubs, grasses, and other vegetation. For purposes of this chapter, the term woodland shall incorporate woods, woodland areas, wooded areas, forest, forested areas and any other terminology commonly recognized to have the same meaning.

*Woodline.* Line of demarcation separating woodland from non-woodland areas. For purposes of this chapter the woodline shall be defined as the line surrounding woodland including the leading edge of the dripline of the trees contained therein plus fifteen feet (15').

*Zoning administrator.* The county administrator or his designee.

*Zoning ordinance.* The Zoning Ordinance of York County, Virginia including all amendments thereto. (Ord. No. 05-33, 12/20/05)

### **Sec. 20.5-6. Applicability.**

This chapter shall apply to all subdivisions of land in the county.

- (a) No person shall subdivide any land without making and recording a plat of such subdivision and fully complying with the provisions of state law and this chapter.
- (b) No plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the agent.
- (c) No person shall sell or transfer any land of a subdivision before such plat has been duly approved and recorded, as provided herein, unless such subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto, provided however, that nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.
- (d) No clerk of any court shall file or record a plat of a subdivision required by this chapter until such plat has been approved by the agent, as required herein, nor shall any instrument which has the effect of creating a subdivision be filed or recorded until such has been approved by the agent.

### **Sec. 20.5-7. Administration and enforcement.**

- (a) The agent is hereby designated to administer the provisions of this chapter on behalf of the board and shall approve or disapprove plats under the terms of this chapter. In the performance of his duties, the agent may request verbal or written opinions or decisions from other departments or agen-

cies considering the details of any submitted plat. This authority regarding opinions and decisions shall have particular reference to the department of transportation and the health department.

- (b) The agent, on behalf of the board, may institute, or cause to be instituted, any appropriate action or proceeding against any subdivider or other person who fails or refuses to comply with the provisions of this chapter.
- (c) All departments, officials and public employees of the county who are vested with the duty or authority to issue permits or approvals under this chapter shall adhere and conform to the provisions of this chapter. Any such approvals or permits issued in conflict with the provisions of this chapter shall be null and void.
- (d) No building permit shall be granted for construction on any lot created in violation of the provisions of this chapter.

### **Sec. 20.5-8. Violation and penalties.**

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than five hundred dollars (\$500.00) for each lot or parcel of land subdivided or transferred or sold in violation of this chapter. The description of such lot or parcel by metes and bounds or courses and distances in the instrument of transfer or other document used in the process of subdividing, selling or transferring shall not exempt the transaction from the penalties or remedies set forth herein.

### **Sec. 20.5-9. Conflicts with other provisions of law.**

In addition to the requirements contained herein, all development shall comply with all applicable ordinances, requirements and permitting procedures of the various local, state, and federal review/regulatory agencies. This chapter is not intended to interfere with, abrogate or annul any order of a court of competent jurisdiction, or any statute, regulation, or other provision of law. Where this chapter, or any provision herein, differs with any provision of any applicable ordinance, code, requirement or regulation, or other provision of law, whichever provisions are the more restrictive or impose the higher standards shall apply.

### **Sec. 20.5-10. Relationship to zoning ordinance.**

- (a) The zoning ordinance and the zoning map shall control the type and intensity of use of all property within the county. Particular reference is made to the minimum lot sizes and setback requirements, use restrictions, overlay districts, and cluster development regulations.
- (b) The following types of development shall require a site plan to be approved in accordance with the provisions of the zoning ordinance prior to consideration of subdivision plats under the terms of this chapter:
  - (1) Townhouses
  - (2) Condominiums
  - (3) Multiplexes
  - (4) Shopping Centers

**Sec. 20.5-11. Effect of private contracts.**

This chapter bears no relation to any private easement, covenant, agreement or restriction, and the responsibility for enforcing such private easement, covenant, agreement or restriction is not implied herein to rest with any public official or body. When this chapter imposes a more restrictive standard than is required by the private contract, the provisions of this chapter shall control.

**Sec. 20.5-12. Severability.**

This chapter shall be liberally construed so as to effectuate the purposes hereof. If any clause, sentence, paragraph, section or subsection of this chapter shall be adjudged by any court of competent jurisdiction to be invalid for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth or the United States, or if the application thereof to any government, agency, person, or circumstance is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application thereof, directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or subsection hereof, or affect the validity of the specific application thereof to any other government, agency, person, or circumstance.

**Sec. 20.5-13. Fees.**

Plans or plats shall not be deemed to have been filed until the appropriate fee has been paid. All checks shall be made payable to the treasurer of York County.

- (a) Examination fee. There shall be a fee for the examination of every plan and plat reviewed under the terms of this chapter. All fees shall be paid at the time of filing the plan or plat for review.

- (1) Preliminary plan. The fee for a preliminary plan shall be fifty dollars (\$50.00) plus five dollars (\$5.00) per lot.
- (2) Development plan. The fee for a development plan shall be fifty dollars (\$50.00) plus ten dollars (\$10.00) per lot.
- (3) Final plat. The fee for a final plat shall be fifty dollars (\$50.00) plus five dollars (\$5.00) per lot, plus an amount based on the total area contained in the plat, as follows:

First 70 acres	- \$0.45/1000 sq. feet
Next 70 acres	- \$0.30/1000 sq. feet
Remaining acreage	- \$0.25/1000 sq. feet

The per-lot and acreage-based components of the fee for a final plat shall be waived by the agent when required final and record plat submissions are accompanied by digital files in a format and medium compatible with and readable by the county geographic information system. The agent shall be the final authority in determining compatibility and readability.

- (b) Inspection fee. There shall be a fee for the inspection of improvements constructed as a part of the development of subdivisions. Said fee, in the amount of twenty-five dollars (\$25.00) plus five dollars (\$5.00) per lot, shall be paid prior to recordation of the record plat.
- (c) Vacation of plat fee. There shall be a fee for processing an application to vacate a plat or part thereof. Said fee shall be exclusive of the costs of posting notice and advertisement as provided in section 15.2-2204, Code of Virginia, or recordation fees which may accrue. The costs shall be borne also by the applicant. The fee shall be in the amount of one hundred fifty dollars (\$150.00) per plat which is proposed to be vacated and shall be paid upon application.

- (d) Appeal/variance fee. There shall be a fee for the processing of an application to appeal the decision of the agent or to request a variance from the terms and conditions of this chapter. Such fee shall be exclusive of the costs of posting notice and advertisement as provided in section 15.2-2204, Code of Virginia, the costs of which shall also be borne by the applicant. The fee, in the amount of two hundred fifty dollars (\$250.00) per request, shall be paid upon application.
- (e) Variable site development fees. In addition to the fees enumerated above, the subdivider shall be required to pay other fees as may be applicable to the proposed development. Depending upon the needs of the subdivision and the desire of the subdivider that the county supply or arrange for certain signs, features or devices, these fees may include payments for construction, fabrication, installation, and/or maintenance of control and warning signs, streetlights, street identification signs, and other similar features, installations, or devices. The actual fees for such features, installations, devices, or maintenance thereof shall be established by the board and published by the county from time to time and shall reflect, as closely as possible, actual costs including labor. The official fee schedule shall be available for review and copying from the agent during normal working hours.

(Ord. No. 05-33, 12/20/05)

#### **Sec. 20.5-14. Resubdivision same as subdivision.**

Any change in a recorded subdivision plat that modifies, creates, or adjusts lot lines shall be approved in the manner and under the requirements provided herein. This section applies to any subdivision plat of record, whether or not recorded prior to the adoption of a subdivision ordinance. Where a street, alley, easement for public passage, or other public area or easement laid out or described in such plat is affected, the plat, or pertinent part thereof, shall be vacated prior to resubdivision.

#### **Sec. 20.5-15. Separate ownership of lots to be subdivided.**

Where the land covered by a subdivision includes two (2) or more parcels in separate ownership or trusteeship, and the lot arrangement is such that a property line is extinguished in the subdivision, each lot so situated shall be transferred by deed to single ownership simultaneously with the recording of the final plat. Such deed shall be prepared by and at the expense of the subdivider and shall be recorded with the final plat.

#### **Sec. 20.5-16. Accuracy standards for maps and plans.**

All final plats and surveys, plats, plans or maps intended for eventual recordation and incorporation into the county geographical information system, shall be prepared to meet or exceed the Second Order, Class II Standards of the Federal Geodetic Control Committee as contained in *Classification, Standards of Accuracy, and General Specifications of Geodetic Control Surveys, 1974, National Geodetic Survey*, as it may from time to time be amended.

#### **Sec. 20.5-17. Amendments.**

Amendments to this chapter shall be in accordance with the applicable provisions of the Code of Virginia.

#### **Secs. 20.5-18—20.5-25. Reserved.**

## ARTICLE II. PROCEDURE

**Sec. 20.5-26. Preapplication conference sketch plan.**

Before the preparation of a preliminary plan for a subdivision, if required by this chapter, or a development plan if a preliminary plan is not required pursuant to sections 20.5-27 or 27.1, the subdivider is advised and encouraged to confer with the agent and such other agencies or departments as the agent may deem advisable relative to the terms of this chapter, the zoning ordinance, the comprehensive plan, and other pertinent ordinances and regulations. The purpose of such a preapplication conference is to assist the subdivider to gain a thorough understanding of all the requirements applicable to the particular property and to advise the subdivider of any recent, impending, or proposed changes in those requirements.

- (a) For the purposes of this conference, the subdivider is encouraged to prepare and submit a sketch plan of the proposed subdivision for informal review and comment by the agent and such other agencies or departments as the agent may deem advisable.
- (b) The sketch plan may be a pencil sketch on a 1"=100' scale topographic map of the property and should show the general location, arrangement, and dimensions of lots, streets, and other proposed improvements. The location, if any, of Chesapeake Bay preservation areas should be noted on the sketch.

A preliminary draft of the Natural Resources Inventory, as defined in Chapter 23.2, that shows the location, if any, of Chesapeake Bay Preservation and wetlands areas should accompany the sketch.

Sketch plans submitted for this conference and reviewed by the agent shall be nonbinding on both the subdivider and the county.

There shall be no fee for the review of a sketch plan and the agent, if so requested by the subdivider, shall provide written comments to the subdivider within thirty (30) days of the submission of a sketch plan.

(Ord. No. 05-33, 12/20/05; Ord. No. 14-24)

**Sec. 20.5-27. Classification of subdivisions.**

Subdivisions shall be classified as follows:

- (a) *Public service lots, rights-of-way.* When a lot is created for the sole purpose of developing a sewage or water facility or any other public facility, or for the sole purpose of widening or enlarging a road right-of-way, to be owned and operated or maintained by the Commonwealth of Virginia, county, other governmental or municipal entity, service authority, or sanitary district and title to such property passes at the same time as the plat is recorded, such lot shall be exempt from the requirements of this chapter except that the record plat shall adhere to the standards established in section 20.5-31(a) of this chapter. In the event that acquisition of a road right-of-way for a street, road or highway by the county or an agency or department of the Commonwealth of Virginia or the United States bisects an existing parcel, the result shall be deemed to constitute a lawful subdivision of the parcel only if both of the resulting parcels meet the minimum lot area and dimensional requirements specified for the zoning district in which located. In the event this is not the case, the parcel shall be deemed to remain a single parcel, despite the fact that it is bisected by a public right-of-way.
- (b) *Minor subdivision.* A minor subdivision shall be a division of property into lots which does not create a new street or an extension of an existing street, including family subdivisions as defined in this chapter. However, if any division other than a family subdivision results in a lot or lots which, in the determination of the agent and based on the zoning classification of the property could be further subdivided, and such further subdivision would require the creation of a new street or the extension of an existing street, the division shall be defined and reviewed as a major subdivision. Family subdivisions shall be reviewed in accordance with the standards contained in section 20.5-34 of this chapter. A preliminary plan shall not be required for minor subdivisions.
- (c) *Multiplex/townhouse/condominium subdivision.* A multiplex/townhouse/condominium subdivision shall be a division of property into lots for multiplex, townhouse or condominium development in ac-



cordance with a site plan approved pursuant to the requirements contained in the zoning ordinance. Neither a preliminary plan nor a development plan shall be required for multi-plex/townhouse/condominium subdivisions; however, a site plan must have been approved and still be valid in accordance with the zoning ordinance prior to submission of a final plat for approval.

- (d) *Planned development subdivision.* A planned development subdivision shall be a division of property in accordance with an overall development master plan approved by the board. A preliminary plan shall not be required for planned development subdivisions unless specifically required of a particular development in the ordinance or resolution approving the overall development master plan. Any requirements specifically imposed on a planned development by its approving ordinance shall be fully binding upon the subdivision. In the case of an affordable housing incentive program project (AHIP), the approving ordinance may authorize provisions less restrictive than those set out in this chapter, if deemed appropriate by the board to achieve the objective of the AHIP.
- (e) *Boundary line adjustment.* A boundary line adjustment shall be a resubdivision of a part of an otherwise valid and properly recorded plat of subdivision, or of two (2) or more adjacent lots, where no additional lots are created and existing or platted streets, rights-of-way, public easements, and public improvements are unaffected by such action. Further, no private easements or private rights-of-way shall be relocated or altered without the recordation of appropriate documents effecting such relocation or alteration. Typically, a boundary line adjustment is a minor realignment of a single line between two (2) platted lots.

Neither a preliminary plan nor a development plan shall be required of boundary line adjustments provided, however, that nothing in this provision shall be interpreted to authorize the creation of a lot or lots which would otherwise be prohibited. Further, boundary line adjustments involving one (1) or more legally nonconforming lots shall not be permitted where the result of such adjustment would increase the degree of nonconformity or cause the lot to be buildable only with approval of an exception to the Chesapeake Bay Preservation Area requirements or other variance. Where the agent determines that the proposal goes beyond the intended minor realignment, he shall notify the subdivider, in writing, of such finding and, in so doing may require the submission of more detailed plans for review.

- (f) *Major subdivision.* A major subdivision shall be any division of property which creates a new street, or extends any existing street, or any division of property which is not covered under any of the above provisions.

(Ord. No. 05-33, 12/20/05)

### **Sec. 20.5-27.1. Exception to preliminary plan submission requirement.**

Other provisions of this chapter notwithstanding, and in accordance with section 15.2-2260.A. of the Code of Virginia, the submission of a preliminary plan shall not be required for any proposed subdivision involving fifty (50) or fewer lots. However, a subdivider may choose to prepare and submit such a plan and, if that is done, the plan shall be processed, reviewed, and acted on in accordance with the procedures and requirements set forth herein and, if approved, shall be and remain valid in accordance with terms of this chapter.

(Ord. No. 14-24, 11/18/14)

### **Sec. 20.5-28. Preliminary plan.**

Any person desiring to subdivide land shall, unless exempted under the provisions of section 20.5-27 or 20.5-27.1, prepare and submit thirteen (13) copies (12 folded, 1 rolled) of a preliminary plan to the agent together with a completed application and the appropriate fee.

- (a) *Initial review by agent.* Upon the submission of a preliminary plan together with a completed application, Natural Resources Inventory, and the appropriate fee, the agent shall, within five (5) working days, review the plan to ensure compliance with all submission requirements established by article III of this chapter. Where the agent determines that all applicable submission requirements have not been met, the plans and application shall be returned to the subdivider with a written notice stating the specific deficiencies, referencing specific ordinances, regulations or policies, and generally identifying such modifications or corrections as will permit compliance with all submission requirements.

- (b) *Review process.* Upon determining that all submittal requirements have been met, the agent shall coordinate a review process to determine conformity of the proposal with all applicable requirements of this chapter and other applicable ordinances, requirements, and regulations.

- (1) The agent may transmit copies of the preliminary plan to those county departments and state and/or federal agencies deemed appropriate for their review and comment and shall establish a date for which written comments shall be returned to the agent.
- (2) After receiving the comments of all reviewing departments or agencies, or within sixty (60) days of submission of the preliminary plan by a subdivider, whichever shall occur first, the agent shall consolidate all of the comments and provide a written response to the subdivider. In the event of a resubmission of a preliminary plan which has been previously disapproved, the response shall be provided within forty-five (45) days.

Where review by one (1) or more state agencies, including, but not limited to, the health department and/or department of transportation, is necessary, the agent shall act upon the plan no later than thirty-five (35) days after the receipt of all comments or approvals of such state agency or agencies.

- (3) The agent's written response to the subdivider shall include notification of approval or disapproval or approval with conditions. Such notice shall state any actions, changes, conditions, or additional information that is required to secure final approval of the preliminary plan and, if disapproved, the reasons for such action with specific reference to an adopted ordinance, regulation or policy and identifying such modifications or corrections as will permit approval of the plan.
- (4) Where the agent has required that revisions or other actions, changes, conditions, or additional information be incorporated into the preliminary plan prior to approval, the subdivider shall resubmit, without additional fee, thirteen (13) copies (12 folded, 1 rolled) of the revised plan together with the original or a copy of any marked plans returned to the subdivider by the agent. In addition, a narrative description shall be submitted regarding how each of the actions, changes, conditions, or additional information required has been addressed on the revised plan. The revised plan shall then be reviewed in the same manner and within the same time elements as was the original. In the review of a resubmitted preliminary plan solely involving a parcel or parcels of commercial real estate (which, for the purposes of this section, shall be deemed to include "industrial"), the agent shall consider only the deficiencies identified in the review of the initial plan that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. Failure to approve or disapprove a resubmitted plan for commercial real estate within the specified time periods shall cause the plan to be deemed approved. Notwithstanding the approval or deemed approval of any proposed plan for commercial real estate, any deficiency in any proposed plan, that if left uncorrected, would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated, or deemed as having been approved. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission, or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the agent's review shall not be limited to only the previously identified deficiencies of prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.

- (c) *Effect of approval.*

- (1) Approval of the preliminary plan shall not constitute a guarantee of approval of either the development plan or the final plat.
- (2) Approval of the preliminary plan shall constitute authorization for the subdivider to proceed with the preparation of development plans in accordance with the provisions of this chapter and the layout and design depicted on the approved preliminary plan.

- (d) *Term of validity.*

The subdivider shall have one (1) year from the date of official notification of approval of the preliminary plan within which to file a development plan meeting all of the submittal requirements estab-

lished in article IV of this chapter for the subdivision or section thereof. Failure to do so shall make the preliminary plan approval null and void. The agent may, on written request of the subdivider received no fewer than ten (10) working days prior to expiration of validity and for good cause shown, grant one (1) six-month extension of preliminary plan approval. However, notwithstanding the foregoing, any preliminary subdivision plan valid and outstanding as of January 1, 2011, shall not become null and void prior to July 1, 2017. Any other plan or permit associated with such plan extended by the preceding sentence shall likewise be extended for the same time period. Such extension shall not be effective unless any performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

(Ord. No. 03-32, 8/5/03; Ord. No. 05-33, 12/20/05; Ord. No. 09-16, 8/18/09; Ord. No. 12-14, 9/18/12; Ord. No. 14-24, 11/18/14; Ord. No. 15-13, 9/15/15)

### **Sec. 20.5-29. Development plan.**

The subdivider shall, unless otherwise provided by section 20.5-27 of this chapter, after receiving approval of the preliminary plan and within the time specified in section 20.5-28(d), submit thirteen (13) copies (12 folded, 1 rolled) of a development plan for the subdivision or section thereof prepared in accordance with article IV of this chapter to the agent together with the appropriate application and fee.

- (a) *Initial review by agent.* Upon the submission of a development plan together with a completed application and the appropriate fee, the agent shall, within five (5) working days, review the plan to ensure compliance with all submission requirements established by article IV of this chapter. Where the agent determines that all applicable submission requirements have not been met, the plans and application shall be returned to the subdivider with a written notice stating the specific deficiencies, referencing specific ordinances, regulations or policies, and generally identifying such modifications or corrections as will permit compliance with all submission requirements.
- (b) *Review process.* Upon determining that all submittal requirements have been met, the agent shall coordinate a review process to determine conformity of the proposed design elements and physical improvements with all applicable requirements of this chapter and all other applicable ordinances, requirements, and regulations.
  - (1) The agent shall transmit copies of the development plan to those county departments and state and/or federal agencies deemed appropriate for their review and comment and shall establish a date for which written comments shall be returned to the agent.
  - (2) After receiving the comments of all reviewing departments or agencies, or within sixty (60) days of submission of the development plan by a subdivider, whichever shall occur first, the agent shall consolidate all of the comments and provide a written response to the subdivider. In the event of a resubmission of a development plan which has been previously disapproved, the response shall be provided within forty-five (45) days.

Where review by one (1) or more state agencies, including, but not limited to, the health department and/or department of transportation, is necessary, the agent shall act upon the plan no later than thirty-five (35) days after the receipt of all comments or approvals of such state agency or agencies.

- (3) The agent's written response to the subdivider shall include notification of approval or disapproval or approval with conditions. Such notice shall state any actions, changes, conditions, or additional information which shall be required to secure final approval of the development plan and, if disapproved, the reasons for such action with specific reference to an adopted ordinance, regulation or policy, and an identification of such modifications or corrections as will permit approval of the plan.
- (4) Where the agent has required that revisions or other actions, changes, conditions, or additional information be incorporated into the development plan prior to approval, the subdivider shall resubmit, without additional fee, thirteen (13) copies (12 folded, 1 rolled) of the revised plan together with the original or a copy of any marked plans returned to the subdivider by the agent. In addition, a narrative description shall be submitted regarding each of the actions, changes, conditions, or additional information required has been addressed on the revised plan. The revised plan shall then be reviewed in the same manner and within the same time elements as was the original. In the review of a resubmitted development plan solely involving a parcel or parcels of commercial real estate, the agent shall consider only

the deficiencies identified in the review of the initial plan that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. Failure to approve or disapprove a resubmitted plan for commercial real estate within the specified time periods shall cause the plan to be deemed approved. Notwithstanding the approval or deemed approval of any proposed plan for commercial real estate, any deficiency in any proposed plan, that if left uncorrected, would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated, or deemed as having been approved. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission, or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the agent's review shall not be limited to only the previously identified deficiencies of prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.

(c) *Effect of approval.*

- (1) Approval of the development plan shall constitute authorization for the subdivider to proceed with the preparation of final plats for those sections of the subdivision contained in the approved development plan in accordance with the provisions of article V of this chapter.
- (2) Approval of the development plan shall, upon issuance of all necessary permits including, but not limited to, land disturbing permits and utility certificates to construct, constitute authority to commence development and construction activities which are in accordance with the approved development plan but only within such section or sections which have received approval. Nothing in this provision however, shall be interpreted to authorize the construction of any structure on any proposed lot other than such structures which are appurtenant to utility installations.

(d) *Term of validity.* The subdivider shall have one (1) year from the date of official notification of approval of the development plan within which to file a final plat for those sections contained in said plan meeting all of the submittal requirements established in article V of this chapter. Failure to do so shall make the development plan approval null and void. The agent may, on written request of the sub-divider received no fewer than ten (10) working days prior to expiration of validity and for good cause shown, grant one (1) one-year extension of development plan approval. However, notwithstanding the foregoing, any development plan valid as of January 1, 2011, shall remain valid and not become null and void prior to July 1, 2017. Any other plan or permit associated with such plan extended by the preceding sentence shall likewise be extended for the same time period. Such extension shall not be effective unless any performance bonds and agreements or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

(Ord. No. 03-32, 8/5/03; Ord. No. 05-33, 12/20/05; Ord. No. 09-16, 8/18/09; Ord. No. 12-14, 9/18/12; Ord. No. 15-13, 9/15/15)

## **Sec. 20.5-30. Final plat.**

The subdivider shall, unless otherwise prescribed in section 20.5-27 of this chapter, after approval of the development plan and within the time specified in section 20.5-29(d), submit thirteen (13) copies (12 folded, 1 rolled) of the final plat for those sections contained on the approved development plan to the agent for review and approval. The final plat shall be prepared in accordance with article V of this chapter and shall be submitted together with the applicable application and fee. The agent may, upon written request and for good cause shown, accept for review final plats before approval has been granted to development plans, however approval of a final plat requires that it fully conform with the approved development plan, if such a plan is required.

- (a) *Initial review by agent.* Upon the submission of a final plat together with a completed application and the appropriate fee, the agent shall, within five (5) working days, review the plat to ensure compliance with all submission requirements established by article V of this chapter. Where the agent determines that all applicable submission requirements have not been met, the plat and application shall be returned to the subdivider with a written notice stating the specific deficiencies, referencing specific ordinances, regulations or policies, and generally identifying such modifications or corrections as will permit compliance with all submission requirements.

- (b) *Review process.* Upon determining that all submittal requirements have been met, the agent shall coordinate a review process to determine conformity of the plat with all applicable requirements of this chapter and all other applicable ordinances, requirements, and regulations.
- (1) The agent shall transmit copies of the final plat to those county departments and state and/or federal agencies deemed appropriate for their review and comment and shall establish a date for which written comments shall be returned to the agent.
  - (2) After receiving the comments of all reviewing departments or agencies, or within sixty (60) days of submission of the final plat by a subdivider, whichever shall occur first, the agent shall consolidate all of the comments and provide a written response to the subdivider. In the event of a resubmission of a final plat which has been previously disapproved, the response shall be provided within forty-five (45) days.  
  
Where review by one (1) or more state agencies, including, but not limited to, the health department and/or department of transportation, is necessary, the agent shall act upon the plan no later than thirty-five (35) days after the receipt of all comments or approvals of such state agency or agencies.
  - (3) The agent's written response to the subdivider shall include notification of approval or disapproval or approval with conditions. Such notice shall state any actions, changes, conditions, or additional information which shall be required to secure final approval of the plat and, if disapproved, the reasons for such action with specific reference to an adopted ordinance, regulation or policy, and identifying such modifications or corrections as will permit approval of the plat.
  - (4) Where the agent has required that revisions or other actions, changes, conditions, or additional information be incorporated into the final plat prior to approval, the subdivider shall within sixty (60) days resubmit, without additional fee, eight (8) copies of the revised plat together with the original or a copy of any marked plats returned to the subdivider by the agent. In addition, a narrative description shall be submitted regarding how each of the actions, changes, conditions, or additional information required has been addressed on the revised plat. The revised plat shall then be reviewed in the same manner and within the same time elements as was the original. The agent, for good cause shown, may grant an extension of the sixty (60) day time limitation, provided a written request is received from the subdivider no fewer than ten (10) working days prior to expiration of the term established herein. In the review of a resubmitted plat solely involving a parcel or parcels of commercial real estate, the agent shall consider only the deficiencies identified in the review of the initial plat that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. Failure to approve or disapprove a resubmitted plat for commercial real estate within the specified time periods shall cause the plat to be deemed approved. Notwithstanding the approval or deemed approval of any proposed plat for commercial real estate, any deficiency in any proposed plat, that if left uncorrected, would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated, or deemed as having been approved. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission, or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the agent's review shall not be limited to only the previously identified deficiencies of prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.
- (c) *Effect of approval.* Approval of the final plat shall constitute authorization for the subdivider to proceed with the preparation of record plats depicting the information contained on the approved final plat.
- (d) *Term of validity.* The subdivider shall have six (6) months from the date of official notification of approval of the final plat within which to have the record plat filed and recorded by the clerk of the circuit court. Failure to do so shall make approval null and void, and the subdivider shall be required to return the approved copy of the final plat to the agent in order that it may be so marked. Reapproval shall require resubmission in full compliance with the regulations then in effect. Where the subdivision involves the construction of facilities to be dedicated for public use and the subdivider has commenced the construction of such facilities with surety approved by the agent, or where the

subdivider has furnished surety in accordance with Section 20.5-108 of this chapter, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement covering construction of required public improvements, whichever is greater. However, notwithstanding the foregoing, any final subdivision plat valid and outstanding as of January 1, 2011, shall not become null and void prior to July 1, 2017. Any other plan or permit associated with such plat extended by the preceding sentence shall likewise be extended for the same time period. Such extension shall not be effective unless any performance bonds and agreement or other financial guarantees of completion of public improvements in or associated with the proposed development are continued in force.

(Ord. No. 02-17, 9/17/02; Ord. No. 03-32, 8/5/03; Ord. No. 05-33, 12/20/05; Ord. No. 09-16, 8/18/09; Ord. No. 12-14, 9/18/12; Ord. No. 15-13, 9/15/15)

### **Sec. 20.5-31. Record plat.**

The record plat shall be prepared and submitted to the agent no less than ten (10) working days prior to the anticipated date of recordation together with all required deed and plat recordation fees.

- (a) *Submittal.* The subdivider shall provide three (3) reproducible copies of each plat sheet, clearly drawn in permanent black ink on .004 millimeter or thicker polyester drafting film with a matte finish on both sides, with the signatures of all owners and certification by a licensed land surveyor affixed to the plat(s) in permanent black or dark blue ink. The plat(s) shall meet the current *Standards for Recorded Instruments* of the Virginia State Library Board.
- (b) *Review by agent.* Upon the submission of a record plat together with the appropriate recordation fee(s), the agent shall, within five (5) working days, review the plat to ensure full conformance with the approved final plat. Where the agent determines that any deviation exists from the approved final plat, the plats shall be returned to the subdivider with a written notice stating the specific reasons, referencing specific ordinances, regulations or policies, and generally identifying such modifications or corrections as will permit approval of the plat.
- (c) *Physical Improvements.* Where public physical improvements are required under the terms of this chapter, the record plat shall not be recorded unless the following conditions have been met:

- (1) All public physical improvements required by this chapter and shown on the approved development plan shall have been installed and approved for conformance with the approved development plan and shall have been approved for acceptance by the county, department of transportation, the health department, and/or any other applicable agency or entity; or

In lieu of actual installation and approval for acceptance of such public physical improvements, the subdivider shall, in accordance with the provisions of article VII of this chapter, have executed an agreement and a performance guarantee to construct such physical improvements as depicted on the approved development plan within a specific time frame to be determined by the agent in consultation with those departments and agencies deemed appropriate by the agent; or

A combination of the above two (2) conditions is effected.

The term "public physical improvements" as used herein includes all improvements which are installed pursuant to a requirement by this chapter, including such improvements which are ultimately to be owned by or the responsibility for maintenance is to be incurred by a property owners' association.

- (2) The subdivider shall guarantee, in accordance with the provisions of article VII of this chapter, the maintenance of any streets, sidewalks, utilities, street lights, public easements and rights-of-way shown on the development plan and final plat until such time as such facilities have been approved and accepted by the county, department of transportation, and/or any applicable agency, authority, or district to which ultimate dedication is intended. Maintenance shall be deemed to include maintenance of the streets, curb, gutter, sidewalks, drainage facilities, utilities, street lighting, landscaping, easements, rights-of-way, or other improvements, including the correction of defects and damages and the removal of snow, ice, water, debris or obstruction, so as to keep such facilities open and in good repair such that the full function of their intended public purpose is preserved.
- (3) The subdivider shall indemnify, protect, and save harmless the county, its officers, agents and employees, from all losses and physical damages to property, and bodily injury or death

to any person or persons which may arise from or be caused by the construction, maintenance, presence, or use of the streets, rights-of-way, utilities and public easements required by and shown on the development plan and final plat until such time as such streets, rights-of-way, utilities and public easements shall be accepted by the county, department of transportation, and/or any applicable agency, authority, or district to which ultimate dedication is intended.

- (4) Upon satisfactory completion of the installation of the required improvements, the subdivider shall make application for acceptance of such improvements for operation and maintenance by the county, department of transportation, and/or any applicable agency, authority, or district to which ultimate dedication is intended.
- (d) *Approval by agent.* Where the agent, after review of the record plat, finds said plat(s) in complete conformance with the approved final plat and that the provisions of subsection (c) above have been met, the agent shall, within ten (10) working days, sign each of the reproducible copies in permanent black ink and shall, together with any necessary deeds, cause such plat(s) to be recorded by the clerk of the circuit court. After ensuring that all necessary reference information is properly written on each copy of the plat(s), the agent shall return one (1) reproducible copy to the subdivider.

### **Sec. 20.5-31.1. Terms of Validity.**

- (a) Notwithstanding the provisions of Sections 20.5-28(d) and 29(d), if at the end of three (3) years from the date of approval of a preliminary plan, or from the date of approval of a development plan if no preliminary plan is required, a subdivider has not submitted a final subdivision plat, or has not diligently pursued approval of a submitted final plat, then the agent may, upon ninety (90) days written notice by certified mail to the subdivider, revoke the preliminary plan or development plan approval. Diligent pursuit of approval of the final subdivision plat shall mean that the subdivider has incurred extensive obligations and substantial expenses relating to the submitted final subdivision plat or modifications thereto. The agent's written notice shall cite the specific facts upon which the revocation is based. In any event, when a final subdivision plat has been timely submitted but not approved the maximum term of validity for the associated preliminary plan shall be five years, except as may be provided below.
- (b) Once an approved final subdivision plat for all or a portion of the property of a multiple phase development is recorded pursuant to Code of Virginia § 15.2-2261, the underlying preliminary plat, or the development plan if no preliminary plan is required, shall remain valid for a period of five (5) years from the date of the latest recorded plat of subdivision for the property.
- (c) An approved final subdivision plat that has been recorded, from which any part of the property subdivided has been conveyed to third parties (other than to the developer or local jurisdiction), shall remain valid for an indefinite period of time unless and until any portion of the property is subject to a vacation action as set forth in Code of Virginia §§ 15.2-2270 through 15.2-2278.
- (d) Following the expiration or revocation of any preliminary plat or development plan pursuant to (a) above, any subdivision plan considered for the subject property shall be submitted and processed in accordance with all applicable procedures for new submissions.

(Ord. No. 02-17, 9/17/02; Ord. No. 09-17(R), 3/17/09; Ord. No. 14-24, 11/18/14)

### **Sec. 20.5-32. Vacation of plats.**

Any recorded plat, or part thereof, may be vacated pursuant to the provisions of sections 15.2-2270 to 15.2-2278, Code of Virginia, both sections inclusive, as applicable.

(Ord. No. 05-33, 12/20/05)

### **Sec. 20.5-33. Changes, erasures, and revisions.**

No change, erasure or revision shall be made on a preliminary plan, development plan, or final plat, nor any accompanying data sheet, after the agent has approved in writing the plan, plat or sheets, unless prior authorization for such change, erasure or revision has been granted in writing by the agent.

### **Sec. 20.5-34. Special provisions for family subdivisions.**

A single division of a lot or parcel is permitted for the purpose of sale or gift to a member of the immediate family of the property owner. For the purposes of this section, a member of the immediate family is defined as any person who is a natural or legally defined offspring, eighteen years (18) of age or older, or an emancipated minor under section 16.1-331 et seq., Code of Virginia, or parent of the owner, or the spouse or siblings of an owner having no natural or legally defined offspring. Such subdivision shall be subject to the following provisions:

- (a) Only one (1) such division shall be allowed per family member, as defined above, and shall not be made for the purpose of circumventing this chapter. Lots created under this section shall be titled in the name of the immediate family member for whom the subdivision is made for a period of no less than three (3) years following the recordation of the subdivision plat unless such lots are subject to an involuntary transfer such as foreclosure, death, judicial sale, condemnation or bankruptcy. The subdivider shall place a restrictive covenant on the subdivided property that would prohibit the further voluntary transfer of the property for a period of three (3) years, with such covenant to be approved as to form and content by the county attorney and to be recorded simultaneously with the subdivision plat.
- (b) In addition, in the case of property held in trust, the family subdivision opportunity may be used to effect a single division of a lot or parcel for the purpose of sale or gift to beneficiaries of the trust. All trust beneficiaries must
  - 1. be immediate family members, as defined above, of the originators of the trust;
  - 2. agree in writing that the property should be subdivided;
  - 3. agree to place a restrictive covenant on the subdivided property that would prohibit the further voluntary transfer of the property for a period of three (3) years, with such covenant to be approved as to form and content by the county attorney and to be recorded simultaneously with the subdivision plat.
- (c) The minimum width, yard, and area requirements of all lots, including the remaining property from which the lot is subdivided, shall be in accordance with the applicable provisions of the zoning ordinance. Land proposed for subdivision shall be suitable for platting in accordance with section 20.5-66.
- (d) The provisions of this section shall apply only to those properties having a single-family residential zoning district classification.
- (e) For property not served with public water and public sewer, each lot shall have a primary and reserve septic system and a water source approved by the health department with evidence of such approval shown on the subdivision plat. If public water and public sewer facilities are available, as defined in this chapter, to the property proposed to be subdivided then all proposed lots shall be served by such facilities in accordance with applicable provisions of the Code.
- (f) Each lot or parcel of property shall front a public road or shall front upon a private driveway or road which is in a permanent easement of right-of-way not less than twenty feet (20') in width. Such right-of-way shall include a driveway within it consisting of, at a minimum, an all-weather surface of rock, stone or gravel, with a minimum depth of three inches (3") and a minimum width of ten feet (10'). The right-of-way shall be maintained by the adjacent property owners in a condition passable by emergency vehicles at all times. A notation to this effect shall be placed on the face of the final plat and this provision shall also be included in the deeds by which the subdivision is effected. Passable condition refers not only to the surface, but also to horizontal and vertical clearance. An erosion and sediment control plan with appropriate surety shall be submitted for approval if the proposed right-of-way and driveway construction disturbs more than two thousand five hundred (2,500) square feet.
- (g) Drainage and utility easements shall be dedicated to the county when deemed necessary by the agent to accommodate drainage and/or sanitary sewer facilities, whether for current or future needs, in accordance with applicable provisions of the county code.
- (h) For property which fronts on an existing street or streets whose rights-of-way are, in accordance with section 20.5-70(c), deficient in width, one-half (½) of the right-of-way width deficiency shall be dedicated by the subdivider at the time of plat recordation.
- (i) The corners of all lots created shall be marked with survey monuments as provided for in section



20.5-78.

- (j) No parcel created by family subdivision shall be further subdivided unless such division is in full compliance with all requirements of this chapter.
- (k) A final plat shall be submitted to the agent for approval as provided in section 20.5-30 of this chapter along with an affidavit describing the purposes of the subdivision and identifying the members of the immediate family receiving the lots created. Any plan submitted shall be subject to the fees set forth in section 20.5-13. All physical improvements, including, but not limited to, public water, public sewer, and all-weather access drives shall be incorporated into a subdivision agreement and appropriately guaranteed in accordance with article VII of this chapter.

(Ord. No. 05-33, 12/20/05; Ord. No. 08-1, 1/15/08; Ord. No. 11-13(R), 11/16/11)

### **Sec. 20.5-35. Geographic control.**

All plans and plats prepared pursuant to this chapter, except sketch plans prepared for preapplication conferences, shall be tied to the county geodetic control network for both horizontal and vertical control.

### **Secs. 20.5-36—20.5-45. Reserved.**

## **ARTICLE III. PRELIMINARY PLAN**

### **Sec. 20.5-46. Purpose.**

The purpose of the preliminary plan is to display graphically the data necessary to review the entire development, as planned and proposed, and to coordinate its development with adjacent existing or potential development. Preliminary plans shall be reviewed to determine that the proposed development conforms with all applicable ordinances, regulations and policies of the county and other review agencies and to assist the subdivider with respect to the overall plan of development. The intent of the preliminary plan is not to develop fully-engineered construction drawings, but to provide a generalized layout and design of sufficient detail to determine that all applicable standards can be met and that the subdivision will be integrated into the overall pattern of development within the surrounding community.

### **Sec. 20.5-47. Submittal requirements.**

The subdivider shall submit to the agent thirteen (13) copies (12 folded, 1 rolled) of the preliminary plan on twenty-four inch by thirty-six inch (24" x 36") blue-line or black-line prints at a scale of one hundred feet (100') to the inch, except in cases where the agent has approved an alternate scale to facilitate showing the entire development on a single sheet. Where more than one (1) sheet is used, sheets shall be numbered in sequence and match-lines shall be provided and labeled.

The following information shall be shown on or appended to the preliminary plan:

- (a) The name of the subdivision, owner, subdivider, surveyor, date of drawing, number of sheets and graphic (bar) scale. Unless otherwise excepted by the agent, the side line of each sheet shall be a north-pointing (from bottom to top) grid line. If true north is used, the method of determination shall be shown.
- (b) The location of the proposed subdivision on an inset map at a scale of not less than two thousand feet (2,000') to the inch showing adjoining roads, their names and numbers, towns, subdivisions, watercourses, and other landmarks. Such inset map shall be oriented north.
- (c) The boundary of the property.
- (d) A table of land use and statistical data, including:
  - (1) The total acreage of the property or properties to the nearest acre;
  - (2) The acreage of the area to be subdivided to the nearest acre;

- (3) The zoning district classification;
- (4) A summary of the zoning district requirements including minimum lot size, yard and setback requirements, open space, and any other pertinent requirements;
- (5) The acreage and percentage of the total area which is classified as undevelopable area as defined in section 24.1-203 of the zoning ordinance;
- (6) The acreage and percentage of the total area anticipated to be included within common areas;
- (7) The acreage and percentage of the total area anticipated to be maintained as landscaped open space;
- (8) The acreage and percentage of the total area anticipated to be contained within road rights-of-way;
- (9) The acreage and percentage of the total area anticipated to be impervious surface area for the entire subdivision and also the area of anticipated impervious cover for each lot;
- (10) The acreage and percentage of the total area anticipated to be included in the resource protection area and resource management area; the acreage of buildable area outside of the RPA on each lot as required by section 23.2-7(c) of this code.
- (11) The number of lots;
- (12) The maximum, minimum, and average lot areas.
- (e) The approximate location of any primary geodetic control network monument within the boundaries of the tract or adjacent thereto.
- (f) The names of owners, locations of existing property lines, zoning classifications, and parcel identification numbers of all parcels within the boundaries of the tract and for all properties adjacent thereto.
- (g) All existing and platted streets and public rights-of-way, their names, numbers and widths (both pavement and right-of-way). The preliminary plan shall also show the location (either graphically or by description) of all existing and planned driveways or other entrances onto public streets within five hundred feet (500') of the proposed subdivision.
- (h) The general layout and design of the street circulation system shall be shown including proposed widths, names, functional classifications, and such other information as may be required by the Virginia Department of Transportation for conceptual sketch review pursuant to the Virginia Secondary Street Acceptance Requirements (24VAC30-92-70).
- (i) The general location and extent of all existing and proposed utilities and easements, including landscape, preservation or conservation easements, public areas, and parking spaces. All existing and planned fire hydrants located within six hundred feet (600') of the property shall also be shown or described.
- (j) All proposed lots, approximate lot areas, blocks, phases, and building setback lines.
- (k) Existing site topography at a contour interval of no more than five feet (5') based on mean sea level including existing site development.
- (l) A master drainage plan showing the proposed major drainage system, including significant existing and proposed structures and major stormwater management facilities proposed to convey the subdivision drainage to an adequate channel, pipe or stormwater system. The preliminary plan shall be required to include only approximate sizing of major pipes and ditches, general location and extent of all existing and proposed drainage utility easements, and the location and approximate dimensions of significant existing or proposed stormwater management facilities.
- (m) The approximate location of any floodplain area as depicted on the flood insurance rate map (FIRM) for York County, Virginia including the flood hazard zone designation(s) and elevation(s).

- (n) The approximate location and identification by size and common name of all heritage, memorial, and/or specimen trees located within proposed rights-of-way or utility easements.
- (o) The approximate location and extent of any known or suspected archaeological sites, historic sites, cemeteries, individual grave sites, and other similar cultural resources and including, as an attachment, a narrative description of the resource and its potential significance.
- (p) Identification of any portion or portions of the property which are located in the Watershed Management and Protection Area, Chesapeake Bay Preservation Area or a sensitive natural area, as defined in section 24.1-260(d) of the zoning ordinance.
- (q) All parcels of land to be dedicated for public use and the conditions, if any, of such dedication.  
(Ord. No. 05-33, 12/20/05; Ord. No. 09-17, 8/18/09)

**Sec. 20.5-48. Contents.**

In addition to the information required to be shown on the preliminary plan, the following materials shall be submitted to the agent at the time of application to supplement the plan sheets:

- (a) Three (3) copies of impact analyses as may be required by article VIII of this chapter.
- (b) Three (3) copies of a Natural Resources Inventory as described in Chapter 23.2 including preliminary wetlands delineations.
- (c) A disclosure statement containing the following information:
  - (1) A statement as to the title to all of the land comprising the subdivision or development, including all deed restrictions and covenants which are, or are proposed to be, applicable thereto.
  - (2) A statement as to the presence of any known environmental or health hazards on or within the property and the condition of such hazards, including responsibility and potential effect on human health and the natural environment.
- (d) Where phases are proposed, a development schedule shall be submitted which shall clearly delineate the proposed phases and include a proposed schedule for the provision of improvements and facilities in conjunction with the proposed phases.

(Ord. No. 05-33, 12/20/05)

**Sec. 20.5-49. Sheet layout.**

The format of plan sheets submitted shall be in conformance with Figure III-A.

**Sec. 20.5-50. Reserved.**

**ARTICLE IV. DEVELOPMENT PLAN**

**Sec. 20.5-51. Purpose.**

The purpose of the development plan is to provide details and specifications relative to a subdivision, or phase thereof, which will ensure full compliance with all applicable ordinances, regulations, requirements, and policies of the county and other review agencies. The development plan is intended to be a fully-engineered construction blueprint which addresses all development issues and details and from which a determination can be made relative to the adequacy of the design elements and facilities proposed. In this regard, the agent shall generally not accept development plans containing less than a complete subdivision or phase thereof.

**Sec. 20.5-52. Submittal requirements.**

The subdivider shall submit to the agent thirteen (13) copies (12 folded, 1 rolled) of the development plan on twenty-four inch by thirty-six inch (24" x 36") blue-line or black-line prints at a horizontal scale no smaller than five feet (5') to the inch and a vertical scale of five feet (5') to the inch except in cases where the agent has approved an alternate scale. Where more than one (1) sheet is used, sheets shall be numbered in sequence and match-lines shall be provided and labeled.

The following information for the subdivision or part thereof shall be shown on the development plan or within the attachments to the development plan:

- (a) The name of the subdivision, owner, subdivider, surveyor and engineer, and the date of drawing, number of sheets, graphic (bar) scale and phase designation. Unless otherwise excepted by the agent, the side line of each sheet shall be a north-pointing (from bottom to top) grid line and labeled as such. If true north is used, the method of determination shall be shown.
- (b) The location of the proposed subdivision, or part thereof, on an inset map at a scale of not less than two thousand feet (2,000') to the inch showing adjoining roads, their names and numbers, towns, subdivisions, watercourses, and other landmarks. Said inset map shall be oriented north.
- (c) A boundary survey providing a closure within an accuracy of not less than one (1) in ten thousand (10,000).
- (d) Land use data, including:
  - (1) The total acreage of the property or properties to the nearest one-tenth (.10) acre;
  - (2) The acreage of the area to be subdivided to the nearest one-tenth (.10) acre;
  - (3) The acreage and percentage of the total area of undevelopable areas as defined by section 24.1-203 of the zoning ordinance;
  - (4) The zoning district classification;
  - (5) A summary of zoning district requirements including minimum lot size, yard and setback provisions, and any other pertinent regulations such as the cluster requirements, if that technique is being utilized;
  - (6) The acreage and percentage of the total area included within common areas;
  - (7) The acreage and percentage of the total area within landscaped open space areas;
  - (8) The acreage and percentage of the total area within road rights-of-way;
  - (9) The acreage and percentage of the total area of impervious surface area within the proposed subdivision and including the maximum allowable impervious cover for each lot that has been used in the stormwater management system design;
  - (10) The acreage and percentage of the total area within resource protection areas and resource management areas respectively; including the acreage of buildable area outside of the RPA on each lot as required by section 23.2 -7(c) of this code.
  - (11) The number of lots or units;
  - (12) The density, both net and gross;
  - (13) The maximum, minimum, and average lot sizes.
- (e) The location of any primary geodetic control network monument within the boundaries of the tract or within two (2) kilometers of the property with reference, identification and the X-Y coordinate value in U.S. survey feet or meters.
- (f) The names of owners, location of existing property lines, parcel identification numbers, and zoning classification within the boundaries of the tract and for all properties adjacent thereto.

- (g) All existing, platted and proposed streets and public rights-of-way and their names, numbers and widths (both pavement and right-of-way). The data of all curves along street frontages shall be shown at the curve or in a curve data table and shall contain the following:
- (1) delta
  - (2) radius
  - (3) arc
  - (4) tangent
  - (5) chord
  - (6) chord bearings
- Plan, profile, and cross-section views of all proposed street rights-of-way shall be shown including street line, centerlines, type and depth of base and pavement, compaction, drainage facilities, shoulders, sidewalks, monuments, utility placements, and other features of the proposed streets.
- (h) All existing and proposed utility and other easements, including landscape, preservation or conservation easements, public areas, and parking spaces.
- (i) All utility placements shall be shown with plan and profile views and shall include:
- (1) Size, location, and method of proposed connections to existing utilities.
  - (2) Size and location of proposed facilities showing proposed water meters, gate valves, fire hydrants, fittings, manholes, sewer laterals and clean-outs, grinder pumps, and manhole rim and invert elevations and percent of slope.
  - (3) Location, design, and details of sewage pump stations.
  - (4) Location, design, and details of water well facilities which are to be part of a central water system with health department and State Water Control Board (if applicable) approvals attached.
  - (5) Location of water wells on individual lots which are not to be a part of a central water system for either potable or non-potable purposes with health department and State Water Control Board (if applicable) approvals attached.
  - (6) Location and design of septic systems, both primary and reserve, including soils information, horizontal and vertical separations between drainlines, average water table, and finished ground surface. Health department approvals shall be attached.
- (j) All proposed lots, lot areas, building setback, and yard lines. All lots shall be located and dimensioned by bearings and distances or X-Y coordinate values in U.S. survey feet or meters.
- (k) Existing and proposed site topography at a contour interval of no more than two feet (2') based on mean sea level with spot elevations provided at and along all proposed grade changes. At a minimum, the existing and proposed elevation at each corner of each lot along with the existing and proposed high or low point between lot corners shall be provided. Areas having slopes in excess of thirty percent (30%) shall be delineated on the plan.
- (l) A drainage plan showing the proposed drainage system including all existing and proposed culverts, drains, open ditches, storm drain pipes, watercourses, lakes and other stormwater management facilities proposed to convey the subdivision drainage to an adequate channel, pipe or stormwater system. Stormwater management criteria consistent with the provisions of the Virginia Stormwater Management Regulations (4 VAC 3-20), as they may be amended from time to time shall be satisfied. The development plan shall include detailed information about the sizing of all pipes and ditches, types of pipes, ditch linings, location and extent of drainage easements, and the location and extent of all existing or proposed stormwater management facilities, their depths, slopes, invert elevations, lining, and other pertinent data. Drainage calculations shall be submitted with drainage area maps showing the pre and post development conditions and the route of the travel used to determine the time of concentration to verify the design of the drainage system including the downstream

adequacy of the channel, pipe or stormwater system receiving run-off from the subdivision. Positive drainage off of each lot must be demonstrated and the direction of drainage flows shall be shown on the plan.

- (m) An erosion control plan showing the location, type, and details of proposed erosion and sediment control devices to be used during and after construction. The erosion control plan shall meet or exceed all requirements of chapter 10 of this Code (Erosion and Sediment Control Ordinance) and shall be provided as a separate plan sheet.
- (n) The location of any floodplain area as depicted on the flood insurance rate map (FIRM) for the county as published by the Federal Emergency Management Agency including the flood hazard zone designation(s) and elevation(s) and any other information required by the floodplain management area provisions of the zoning ordinance for floodplain areas. Where none of the area contained in the subdivision lies within a floodplain area, a note to this effect shall be shown on the face of the development plan.
- (o) The location of all proposed secondary ground control network monuments.
- (p) The location and identification by size and common name of all single heritage, memorial or specimen trees and/or groups thereof.
- (q) The location and design, including color renderings, of any proposed signage or entrance monuments or structures including walls, fences, or similar features.
- (r) The location, size, design and type of all streetlights proposed to be installed.
- (s) A landscape plan prepared in accordance with the standards for such plans contained in chapter 24.1, Zoning, of this Code, for all common areas, entrance ways, and other areas where replacement or additional landscaping is required or proposed.
- (t) Identification of any portion or portions of the subdivision or phase thereof which is or may be located in a Watershed Management and Protection Area or Chesapeake Bay Preservation Area. Such identification shall be accompanied by a Natural Resources Inventory as defined in Chapter 23.2 and shall also include information concerning any natural areas identified pursuant to the requirements of section 24.1-260(d) of the zoning ordinance.
- (u) The location and extent of any known or suspected archaeological sites, historic sites, cemeteries, individual grave sites, and other similar cultural resources and including, as an attachment, a narrative description of the resource and its potential significance.
- (v) All parcels of land to be dedicated for public use or for the common use of the property owners and the conditions, if any, of such dedication.

(Ord. No. 05-33, 12/20/05)

**Sec. 20.5-53. Contents.**

In addition to the information required to be shown on the development plan, the following materials shall be submitted to the agent to supplement the plan sheets:

- (a) A copy of the documents for any property owners association which is proposed to be created or expanded and which would apply to the lots created by the subdivision. Such documents shall be prepared in accordance with section 55-508 et seq., Code of Virginia.
- (b) A copy of any other documentation which establishes responsibility for maintenance or perpetuation of any feature or element within the subdivision including, but not limited to, streets, sidewalks, streetlights, landscaping, drainage facilities, or common elements.
- (c) A disclosure statement as required by section 20.5-48(b) of this chapter, except that if no change has occurred since its previous submission, a new statement shall not be required.
- (d) A statement, certified by a duly licensed attorney, defining and describing who has title to each tract of land contained within the subdivision and specifically describing any title defects or encumbrances affecting, or potentially affecting, any portion of the property proposed to be dedicated to public use.

- (e) A table of statistical data for the subdivision or phase thereof detailing for each lot the following information:
  - (1) Total area;
  - (2) Undevelopable area, as defined in section 24.1-203 of the zoning ordinance, platted as part of the lot;
  - (3) Net developable area;
  - (4) Buildable lot area (excluding required yards, buffers and setbacks).

The table shall also include a column for assigning parcel identification numbers to each lot. This information will be assigned during the review process and returned to the subdivider for incorporation into the final plat.
- (f) Evidence that all required environmental permits from the U. S. Army Corps of Engineers, Virginia Department of Environmental Quality, Virginia Marine Resources Commission and/or the York County Wetlands/Chesapeake Bay Board have been obtained or are unnecessary shall be submitted where the Natural Resources Inventory indicates that wetlands, State waters, waters of the US and/or Chesapeake Bay Preservation Area disturbances will occur as a result of the proposed subdivision.
- (g) The materials identified and required in section 20.5-48 shall also be provided in the event a preliminary plan was not required or submitted.  
(Ord. No. 05-33, 12/20/05; Ord. No. 14-24, 11/18/14)

**Sec. 20.5-54. Sheet layout.**

The format of plan sheets submitted shall be in conformance with Figure IV-A.

**Sec. 20.5-55. Reserved.**

**ARTICLE V. FINAL PLAT**

**Sec. 20.5-56. Purpose.**

The purpose of the final plat is to provide a detailed map of the subdivision which shall establish that clear title exists and, upon recordation, shall provide sufficient and adequate information to transfer title to all property dedicated to public use and allow for the eventual transfer of title of the individual lots created by the subdivision.

**Sec. 20.5-57. Submittal requirements.**

The subdivider shall submit to the agent thirteen (13) copies (12 folded, 1 rolled) of the final plat on blue-line or black-line prints at a scale of one hundred feet (100') to the inch except in cases where the agent has approved an alternate scale. Where more than one (1) sheet is used, sheets shall be numbered in sequence and match-lines shall be provided and labeled. The size of any final plat shall be eighteen inches by twenty-four inches (18" x 24").

The following information for the subdivision or part thereof shall be shown on the face of the final plat:

- (a) The name of the subdivision, owner, subdivider, land surveyor, and the date of drawing, number of sheets, graphic (bar) scale and, if applicable, the phase designation. Unless otherwise excepted by the agent, the side line of each sheet shall be a north-pointing (from bottom to top) grid line and labeled as such. If true north is used, the method of determination shall be shown.
- (b) The location of the proposed subdivision or part thereof on an inset map at a scale of not less than two thousand feet (2,000') to the inch, showing adjoining roads, their names and state route num-

bers, towns, subdivisions, watercourses, and other landmarks. Said inset map shall be oriented north.

- (c) A boundary survey providing a closure within an accuracy of not less than one (1) in twenty thousand (20,000) or which meets or exceeds Second Order, Class II standards, as determined by the Federal Geodetic Control Committee and contained in the current edition of the publication entitled, *Classification, Standards of Accuracy, and General Specifications of Geodetic Control Survey*.
- (d) The location of any primary geodetic control network monument within the boundaries of the tract or within two (2) kilometers of the property with reference, identification and the X-Y coordinate value in U.S. survey feet or meters. Show and label the location(s) of the Primary Geodetic Control Monument(s) on the inset (vicinity) map.
- (e) All existing, platted and proposed streets and public rights-of-way, their names, numbers and widths (both pavement and right-of-way). The data of all curves along street frontages shall be shown at the curve or in a curve data table and shall contain the following:

- (1) delta
- (2) radius
- (3) arc
- (4) tangent
- (5) chord
- (6) chord bearings

Temporary cul-de-sacs shall be shown and appropriately labeled to show both the permanent and the temporary portions of the right-of-way included.

- (f) All utility, public service corporation, and other easements, including landscape, preservation or conservation easements, public areas, and parking spaces. Easements shall be located and dimensioned by bearings and distances with curve data or X-Y coordinate values in U.S. survey feet or meters.
- (g) All proposed lots, lot areas, and building setback lines. All lots shall be located and dimensioned by bearings and distances with curve data or X-Y coordinate values in U.S. survey feet or meters.
- (h) The location of all approved private sewage disposal systems, including both primary and reserve locations, and a notation on any plat of property located in whole or in part within a Chesapeake Bay Preservation Area (CBPA) indicating that any on-site sewage treatment system on such property must be pumped out at least once every five (5) years.
- (i) The location of major stormwater management ponds or lakes.
- (j) The location of any floodplain area as depicted on the flood insurance rate map (FIRM) for the county as published by the Federal Emergency Management Agency including the flood hazard zone designation(s) and elevation(s) and any other information required by the floodplain management area provisions of the zoning ordinance for floodplain areas.
- (k) The location of any resource protection area, resource management area or watershed management area including delineation of all required buffers and setbacks and including a notation indicating that required buffers, and specifically the 100-foot RPA Buffer, are to remain undisturbed and vegetated, except for such modifications as may be authorized by Section 23.2-9(d), York County Code, for reasonable sight-lines, access paths, shoreline erosion control best management practices, removal of dead or diseased trees or shrubbery, and other listed modifications. In the event the property is within any area designated as a RPA – Resource Protection Area, the plat shall also contain a notation indicating that development in the RPA is limited to water dependent facilities or redevelopment or is otherwise allowed pursuant to the terms of Section Nos. 23.2-9(f), 23.2-10 or 23.2-11, York County Code, or is otherwise approved as a waiver under applicable code provisions.
- (l) The location of all proposed secondary ground control network monuments.



- (m) All parcels of land to be dedicated for public use or for the common use of the property owners.
- (n) The parcel identification number assigned to each lot, either within the boundaries of the lot itself or in tabular form.
- (o) The certificate of consent and dedication duly signed and notarized by all owners, including trustees, if any, in the format required by section 15.2-2264, Code of Virginia.
- (p) The certificate duly signed by a land surveyor setting forth the source of title in accordance with section 15.2-2262, Code of Virginia, and certifying that the monuments and survey markers shown on the plat have been correctly located and installed.
- (q) An approval block for the signature of the agent on behalf of the county.  
(Ord. No. 05-33, 12/20/05; Ord. No. 11-13(R), 11/16/11)

**Sec. 20.5-58. Contents.**

In addition to the information required to be shown on the face of the final plat, the following materials shall be submitted to the agent provided, however, that any document previously submitted, and which has not substantially changed, shall not be required to be resubmitted unless expressly requested by the agent in writing:

- (a) A copy of the documents for any property owners association proposed to be created or expanded and which would apply to the lots created by the subdivision. Such documents shall be prepared in accordance with the relevant provisions of the Code of Virginia.
- (b) A copy of any other documentation which establishes responsibility for maintenance or perpetuation of any feature or element within the subdivision including, but not limited to, streets, sidewalks, streetlights, landscaping, drainage facilities, or common elements.
- (c) A disclosure statement as required by section 20.5-48(b) of this chapter, except that if no change has occurred since its previous submission, a new statement shall not be required.
- (d) A statement, certified by a duly licensed attorney, defining and describing who has title to each tract of land contained within the subdivision and specifically describing any title defects or encumbrances affecting, or potentially affecting, any portion of the property proposed to be dedicated to public use.
- (e) Unless previously submitted, evidence as required by section 20.5-53(f) that environmental permits have been obtained or are unnecessary.

(Ord. No. 05-33, 12/20/05)

**Sec. 20.5-59. Sheet layout.**

The format of plan sheets submitted shall be in conformance with Figure V-A.

**Sec. 20.5-60. Preparation standards for record plats.**

Plats submitted to the agent for final approval and recordation shall be clearly and legibly drawn in dark black ink upon .004 mil or thicker polyester based drafting film with a matte finish on both sides and having a sheet size of eighteen inches by twenty-four inches (18"x24"). In accordance with the Standards for Recorded Instruments of the Virginia State Library Board, the following preparation standards shall apply:

- (a) All drawing, lettering, and inscription shall be in permanent black ink and shall be solid, dense, uniform, sharp, unglazed, and on one side of the sheet only.
- (b) All signatures shall be in black or dark blue permanent ink.
- (c) Lettering and line weight shall be no less than .013 inches or .3302mm.
- (d) Lettering shall be no less than one-tenth inch or 2.54mm in height.
- (e) Letter and line spacing shall be no less than .040 inches or 1.016mm.

- (f) All plats shall have centering marks on each side.
- (g) Margins shall be at least one-fourth inch on all sides.
- (h) All shading or screening shall be eliminated over written data.
- (i) Good drafting practice shall be followed when eliminating ghost lines and when doing erasures.

**Sec. 20.5-61. Submission requirements for record plats.**

The subdivider shall submit three (3) reproducible copies of the approved final plat, prepared in accordance with the requirements established in section 20.5-60 of this chapter, to the agent for signature and recordation. All plats submitted to the agent shall be complete including the following:

- (a) All required signatures and notarizations, except that of the agent, shall have been affixed to each copy.
- (b) Copies of all deeds, covenants, agreements, easements, performance guarantees or other certificates or instruments which have been required by the agent or are intended for recordation in conjunction with the plat, complete with all required seals, shall be submitted. Plats of easements for off-site easements shall be of a format in conformance with Figure V-B.
- (c) Recordation fees in an amount sufficient to cover the recordation costs of the plat and other instruments shall be submitted.

**Sec. 20.5-62. Minor changes subsequent to recordation.**

If, subsequent to recordation, errors are discovered in the information contained in the record plat, the agent shall require the subdivider to prepare and submit, together with the requisite recordation fees, a corrected record plat containing all required signatures, notarizations and seals. Such corrected record plat shall, subsequent to review and approval by the agent be recorded, and the previously recorded plat shall have a notation written on its face indicating that it has been superseded with reference to the corrected record plat. There shall be no review fee for this process.

**Secs 20.5-63—20.5-65. Reserved.****ARTICLE VI. DESIGN STANDARDS****DIVISION 1. GENERAL LAYOUT AND DESIGN****Sec. 20.5-66. Suitable land.**

The agent shall not approve the subdivision of land if it is determined by the agent that the site is not suitable for platting because of possible flooding, improper drainage, steep slopes, inadequate water or sanitation, the existence of utilities and easements or other features deemed not to be in the best interests of the public safety, health and general welfare.

Each lot shall be suitable for a building site. Where public utilities are unavailable, each lot, other than recreation or public service lots, shall pass a percolation test for the installation of a septic system with both a primary and a one hundred percent (100%) reserve drainfield and have a suitable location for a potable water well. Land not suitable within a proposed subdivision shall be platted only for uses not endangered by periodic or occasional inundation and only where it will not produce conditions contrary to the public welfare. Otherwise, such non-suitable land shall be combined with other lots.

**Sec. 20.5-67. Improvements by developer.**

All required subdivision improvements shall be installed by the subdivider at his cost. In cases where, in accordance with other provisions of the Code, the specifications for water and sewer utilities improvements are established partly to provide for the eventual connection of other adjacent or abutting properties in a coordinated manner, the subdivider may be eligible for certain credits or cost-share programs which must be entered into by formal agreement, acceptable as to content and form by the county attorney, prior to final plat approval or earlier, if so required by other provisions of this code.

Where specifications for certain improvements have been established by a governmental agency for streets, curbs, water, sewage, drainage or other public improvement, such specifications shall be followed unless this chapter or other provisions of the Code prescribe a more stringent standard.

**Sec. 20.5-68. Easements.**

Easements required to be dedicated by the subdivider to the county by this chapter shall be of sufficient width for the specified use(s). Such easements shall include the right of ingress or egress and shall generally run with lot lines.

**Sec. 20.5-69. Underground utilities.**

- a) All utilities including, but not limited to, wires, cables, pipes, conduits and appurtenant equipment for electric, telephone, gas, cable television or similar services shall be placed underground except, however, the following shall be permitted above ground:
  - (1) Electric transmission lines and facilities in excess of fifty (50) kilovolts.
  - (2) Equipment, including electric distribution transformers, switch gear, meter pedestals, telephone pedestals, streetlighting poles or standards, radio antennae, traffic control devices, and associated equipment which is, in conformance with accepted utility practices, normally installed above ground.
  - (3) Meters, service connections and similar equipment normally attached to the outside wall of a customer's premises.
  - (4) Temporary above ground facilities required in conjunction with an authorized construction project.
- (b) Existing utilities located above ground in proposed subdivisions may be maintained or repaired provided that such repair does not require relocation.
- (c) Whenever any existing on-site above ground utilities require relocation for any reason, they shall be removed and placed underground. In the event the development impacts existing off-site above ground utilities and necessitates their relocation onto the development site, such utilities shall be placed underground at the developer's cost, and the developer shall secure all necessary permits, easements, and approvals for such work.
- (d) All utilities shall be placed within easements or public street rights-of-way in accordance with "Typical Curb and Gutter Details CGD-1, CGD-2, CGD-3, or CGD-4" (see Appendix A) as published by the department of environmental and development services or as may be otherwise approved by the agent.

(Ord. No. 05-33, 12/20/05)

**Sec. 20.5-70. Lots.**

Standards for lots are as follows:

- (a) **Size.** The minimum lot size and dimensions shall be in accordance with the zoning ordinance requirements for the zoning district in which the proposed subdivision is located. This does not apply

to open space developments (cluster techniques) in accordance with section 24.1-402 of the zoning ordinance. All newly created lots located within Chesapeake Bay Preservation Areas, whether in a conventional or open space development, shall be of sufficient size to meet the special lot size requirements applicable in Chesapeake Bay Preservation Areas (reference section 23.2-7 of this code).

- (b) *Arrangement, design and shape.* The lot arrangement, design and shape shall relate to the natural topography and features of the land so that each lot has an acceptable building site with direct access from an improved street and adequate buildable area outside any Resource Protection Area (RPA) buffers. Unusually shaped or elongated lots established primarily for the purpose of meeting minimum lot size requirements, when such area would be unusable for the usual purposes to which such area would normally be placed, shall not be permitted by the agent.
- (c) *Location.* Each lot shall abut and have access to either a proposed public street right-of-way to be dedicated by the subdivision plat or an existing public street, unless otherwise specifically provided for in section 20.5-102 or article IX of this chapter. If the existing streets to which lots abut do not meet the minimum width requirements established by the department of transportation for street of that functional classification (traffic volume), the subdivider shall dedicate the necessary right-of-way and construct the necessary pavement for such purpose in accordance with the standards established by section 20.5-93 of this chapter.
- (d) *Sidelines.* Side lot lines shall be approximately perpendicular to or radial to the street right-of-way line. This does not apply to open space developments (cluster techniques) in accordance with section 24.1-402 of the zoning ordinance.
- (e) *Access to arterial streets.* Lots within major subdivisions shall not front on or have direct access to arterial streets as defined in this chapter. Lots in minor and other subdivisions shall, to the degree possible and practical as determined by the agent, not front on arterial roads. In no case shall direct access at a ratio greater than one (1) access point per two (2) non-residential lots be permitted.
- (f) *Through lots.* Except as may be otherwise provided in section 20.5-126(c) of this chapter, through lots shall contain a restricted access easement ten (10) feet in width along the frontage of the street right-of-way having the greater estimated average daily traffic (ADT) volume across which easement there shall be no right of vehicular access to or from the right-of-way. This easement area shall be used for the cultivation of buffer plantings.
- (g) *Remnants.* All remnants of lots not meeting minimum lot size requirements remaining after the subdividing of a tract shall be added to adjacent lots or dedicated to a duly constituted property owners' association for the common use of all residents of the subdivision, in which case a minimum ten foot (10') wide easement or other form of access shall be provided from a public street right-of-way or other property dedicated to the common use. The subdivider shall demonstrate, to the satisfaction of the agent, that remnants proposed for dedication to a duly constituted property owners' association shall be of some usefulness to said association; otherwise such remnants shall be added to adjacent lots.
- (h) *Lots adjacent to county boundaries.* Generally lots shall follow the boundaries of the county and shall not cross such political boundary lines.
- (i) *Numbering.* Lot, section, and block numbering shall be approved by the agent and shall conform with the county parcel identification numbering system.

(Ord. NO. 05-33, 12/20/05)

### **Sec. 20.5-71. Blocks.**

Design standards for blocks are as follows:

- (a) *Length.* The length of blocks shall be determined by public safety, traffic flow, and natural topography considerations. Where streets are approximately parallel, connecting streets shall be provided between the parallel streets at reasonable intervals as established by application of the criteria in the preceding sentence. In general, residential blocks should be between five hundred feet (500') and twelve hundred feet (1,200') in length.
- (b) *Width.* Blocks shall be designed in two (2) tiers of lots, except where prevented by the natural topography, size of the property, or adjoining railroads or waterways, in which case the agent may approve a

single tier of lots. Where the property to be subdivided adjoins an arterial road, the agent may require a single tier of lots and a restricted access easement along the arterial road.

- (c) *Orientation.* Where a proposed subdivision adjoins an arterial or collector road, the agent may require that blocks be oriented and designed to limit or reduce the number of points of access to that road.

### **Sec. 20.5-72. Sections/phases.**

Whenever the subdivider chooses to develop a subdivision in sections or phases rather than in its entirety, each such section or phase shall be shown on the preliminary plan, or on the development plan in the event a preliminary plan was not required or submitted, and the arrangement and extent of each section or phase shall be approved by the agent. Unless otherwise excepted by the agent upon written request, subsequent plans and final plats shall coincide with the approved phasing.

(Ord. No. 14-24, 11/18/14)

### **Sec. 20.5-73. Water.**

Requirements for the provision of water within subdivisions are as follows:

- (a) *Public water.* Where public water is available in accordance with other provisions of the Code, it shall be extended to all lots within a subdivision, including recreation areas, but not to remnants unsuited for building.
- (b) *Central water system.*
- (1) Where lot sizes are less than two (2) acres and public water is not available, the subdivider of any major subdivision shall construct a central water system including distribution lines, storage tanks and facilities, and supply facilities within the subdivision. Upon completion of the improvements and after receiving acceptable test results, the water system together with all necessary easements and rights-of-way shall be dedicated to the county, or other entity acceptable to the county, by deed which is acceptable as to content and form to the county attorney, with an accompanying plat.
  - (2) The agent may waive or modify the requirement to construct and dedicate a central water system upon making the following findings:
    - a. The minimum size of the lots is sufficiently large as to make the installation of a central water system unnecessary;
    - b. The health department has approved an individual well location on each proposed lot;
    - c. Groundwater resources will be at least equally protected by individual wells as they would be by a central water system; and
    - d. Alternative sources of water, acceptable to the department of public safety, are available or will be provided for fire suppression purposes.
- (c) *Individual wells.* Where subdivision lots are to be served by individual wells, the proposed locations of all individual wells shall have been approved by the health department and the subdivider shall provide to the county a general quantitative and qualitative analysis of the water to be available from the proposed well locations.
- (d) *Construction standards.*
- (1) All water supply systems shall be constructed in accordance with all applicable construction standards promulgated by the health department or as contained in the Code and policies adopted by the county pursuant thereto. A construction permit shall be issued by the county administrator prior to the commencement of construction.
  - (2) Construction, installation, and maintenance of water systems shall be exempt from the provisions of section 20.5-85 of this chapter provided that:
    - a. To the degree possible, the location of water system lines, facilities, and equipment should be outside of the resource protection area.

- b. No more land shall be disturbed than is necessary to provide for the desired utility installation.
  - c. All such construction, installation and maintenance of water utilities and facilities shall be in compliance with all applicable state and federal permits and designed and conducted in a manner that protects water quality.
  - d. Any land disturbance resulting from the construction, installation, and maintenance of water systems which exceeds an area of two thousand five hundred (2,500) square feet shall be undertaken only after approval of an erosion and sediment control plan prepared, submitted, and reviewed in accordance with chapter 10, *Erosion and Sediment Control*, of this Code.
- (e) *Fire protection.* Fire hydrants shall be installed in subdivisions at locations designated by the agent, in consultation with the department of fire and life safety, at the time of an extension of public water or construction of a central water system. Where the subdivision is to be developed with individual wells, the agent, in consultation with the department of fire and life safety, may require that alternative sources of water for fire suppression purposes be made available including construction of a fire suppression well system, provision of "dry" hydrants, and/or easements granting access to water sources. All fire hydrants located within a road right-of-way shall be placed between one foot (1') and three feet (3') from the edge of such right-of-way.
- (f) *Off-site water facilities costs.* The subdivider shall be required to pay a pro rata share of the cost of providing reasonable and necessary water facilities and improvements located outside of the property limits of land owned or controlled by him whenever all of the following conditions exist:
- (1) The county determines that such off-site improvements are necessitated at least in part by the construction or improvement of the subdivision.
  - (2) The county or other appropriate authority has established a general water facilities improvement program for an area having related and common water service and facilities conditions.
  - (3) The subdivider's property is located within said designated area covered by such program.
  - (4) The estimated cost of the total water facilities improvement program has been determined.
  - (5) The total estimated water flows have been established for the designated area served by such program.

The subdivider's share of the above-estimated cost of improvements shall be limited to the proportion of such estimated cost which the volume of water to be used by his subdivision bears to the total estimated volume in such area in its fully developed state.

Any cash payment received by the county shall be expended only for construction of those facilities identified in the established water facilities improvement program and until so expended, shall be held in a separate account for the individual improvement program.

(Ord. No. 05-33, 12/20/05)

## **Sec. 20.5-74. Sewer.**

Requirements and standards for sewage disposal in subdivisions are as follows:

- (a) *Public sewer.* If public sewer is available in accordance with other provisions of the Code (whether or not separated from the subject property by a hard surfaced road), it shall be extended to all lots within the subdivision including recreation areas where, because of their size and configuration, construction of facilities requiring connection to sewer is anticipated, but not remnants unsuited for building.

(b) *Individual sewer.*

- (1) If public sewer is not available, subdivisions with lots served by septic systems may be approved by the agent provided that the following documented proof of each of the following is submitted:
  - a. Both a primary location and a one hundred percent (100%) reserve location for the septic system will be provided, neither of which shall be located, in whole or in part, in the resource protection area;
  - b. The location and design for each septic system (both primary and reserve) has been accomplished in accordance with the most current edition of the "Sewage Handling and Disposal Regulations" of the Virginia Department of Health and all applicable provisions of this Code and has been specifically and individually approved by the health department;
  - c. Contamination or pollution of wells, groundwater, state waters, reservoirs, or any Chesapeake Bay resource preservation area or resource management area is unlikely to occur from any proposed individual septic system.
- (2) Any such subdivision submitted for review shall include the specific locations proposed for both primary and reserve on-site septic system installations with documentation of health department approval for each proposed location. Any proposed lots not suitable for the installation of private sewage disposal systems shall either be combined with lots that are suitable or dedicated to common open space or recreation use, so that only buildable lots are created.

(c) *Construction standards.* All sewage disposal systems shall be constructed in accordance with all applicable construction standards contained in this Code and policies adopted by the county pursuant thereto. A construction permit shall be issued by the county administrator prior to the commencement of construction.

(d) *Off-Site sewer facilities costs.* Where sewer facilities and improvements located outside the limits of the project are required to be constructed, the subdivider shall be eligible for such credits or cost sharing arrangements as are stipulated in this Code.

(Ord. No. 05-33, 12/20/05)

## **Sec. 20.5-75. Drainage.**

Standards for drainage within subdivisions are as follows:

- (a) *Improvements.* Drainage and stormwater management facilities shall be provided, either on-site or off-site, to reduce drainage flows, pollutants, and sediment loading from the subdivision to levels in accordance with the requirements of the Virginia Stormwater Management Regulations (4 VAC 3-20), as they may be amended from time to time, or to a lesser level if deemed necessary to comply with other provisions of this Code. The agent shall approve, or approve with modifications, only those stormwater management facilities which comply with the Virginia Stormwater Management Regulations and adopted overall drainage plans and policies, if any. In this regard, the agent shall not generally approve, except as a temporary measure, on-site stormwater management facilities as an alternative to contributing (in accordance with the provisions of paragraph (b) of this section) to planned regional stormwater management systems. All management facilities shall be designed and constructed in accordance with the Erosion and Sediment Control Ordinance (chapter 10 of this Code) as supplemented by the latest editions of the Virginia Erosion and Sediment Control Handbook, Virginia Stormwater Management Handbook and the Virginia Department of Transportation Drainage Manual as well as those laws, ordinances, criteria, regulations, or policies adopted by the Commonwealth or the county.
- (b) *Off-site drainage costs.* The subdivider shall be required to pay a pro rata share of the cost of providing reasonable and necessary drainage improvements located outside of the property limits of land owned or controlled by him whenever all of the following conditions exist:
  - (1) The county determines that such off-site improvements are necessitated at least in part by the construction or improvement of the subdivision.

- (2) The county or other appropriate authority has established a general drainage improvement program for an area having related and common drainage conditions.
- (3) The subdivider's property is located within said designated area covered by such program.
- (4) The estimated cost of the total drainage improvement program has been determined.
- (5) The estimated storm water runoff has been established for the designated area served by such program.

The subdivider's share of the above-estimated cost of improvements shall be limited to the amount necessary to protect water quality based upon the pollutant loading caused by the subdivision or development or the proportion of such estimated cost which the volume and velocity of storm water runoff to be caused by his subdivision bears to the total estimated volume and velocity of runoff from such area in its fully developed state. In calculating the pollutant loading caused by the subdivision or development or volume and velocity of storm water runoff, the county shall take into account the effect of all on-site storm water facilities or best management practices constructed or required to be constructed by the subdivider or developer and give appropriate credit therefor.

Any cash payment received by the county shall be expended only for construction of those facilities identified in the established drainage facilities improvement program and until so expended, shall be held in a separate account for the individual improvement program.

(Ord. No. 01-11, 7/17/01; Ord. No. 05-33, 12/20/05)

#### **Sec. 20.5-76. Pedestrian and bicycle facilities.**

Standards for pedestrian and bicycle facilities in subdivisions are as follows:

- (a) Pedestrian, bicycle, and shared use path facilities shall be provided as required by the Virginia Secondary Street Acceptance Requirements (24VAC30-92).
- (b) Where sidewalks have been installed or guaranteed for installation by some form of performance guarantee along an existing street, any extension of said existing street into a proposed subdivision shall also extend the sidewalks.
- (c) Unless otherwise excepted by the agent, sidewalks shall be separated from the rear of the curb in accordance with the following standards based on the street classifications in section 20.5-91:

Street Classification	Minimum Separation (feet)
Access	6
Subcollector	6
Minor Collector	6
Major Collector	6
Minor Arterial	8
Major Arterial	10

The area of separation between the curb and sidewalk shall be planted with appropriate street trees at a minimum ratio of one (1) tree per each forty (40) linear feet of sidewalk.

- (d) Where the proposed subdivision is adjacent to public use property including parks, schools, libraries, public recreation facilities and similar areas, the subdivision shall be connected to said public use property by means of a dual-purpose pedestrian and bicycle trail which shall be designed and constructed in accordance with the applicable provisions of the standards for recreational facilities adopted by the county or other acceptable standard or facility design approved by the agent.
- (e) Sidewalks shall be designed and located, with the intent of providing security, tranquility and privacy for occupants of adjoining property and safety for users of the walkways.

(Ord. No. 05-33, 12/20/05; Ord. No. 09-17, 8/18/09)



**Sec. 20.5-77. Streetlights.**

Standards for streetlights in subdivisions are as follows:

- (a) At a minimum, streetlights shall be provided by the subdivider at roadway intersections and at such other locations as may be designated by the agent in consultation with the department of transportation and in accordance with the York County Streetlight Installation Policy as established by the board of supervisors. Unless otherwise approved by the agent, streetlights shall conform with the following standards:
  - (1) All fixtures and mounting devices shall be architecturally compatible with the subdivision. In this regard, "cobra-head" or other fixtures with a horizontal extension between the mounting pole and the luminaire of more than eighteen inches (18") shall not be approved in residential subdivisions.
  - (2) On access, subcollector, and minor collector streets, mounting poles shall be installed in accordance with the clear zone requirements specified in the Virginia Department of Transportation Subdivision Street Design Manual.
  - (3) The lighting plan shall be designed to illuminate roads, intersections and pedestrian facilities constructed within and along the boundaries of the subdivision.
  - (4) Luminaires shall be installed so as to reduce or prevent direct glare into residential units.
- (b) The subdivider shall deposit the applicable installation/operations fee for the streetlight(s) with the agent once the costs have been determined by Dominion Virginia Power. Sufficient performance surety shall be maintained by the subdivider for any required streetlights until the installation/operations fee has been paid.

(Ord. No. 05-33, 12/20/05)

**Sec. 20.5-78. Survey monuments.**

Standards for survey monuments within subdivisions are as follows:

- (a) *Concrete monuments.* Concrete survey monuments four inches (4") in diameter or square, three feet (3') long and having a flat top shall be located in all street corners, points of curve in streets, right-angle points and points where the street line intersects the exterior boundaries of the subdivision. The top of all concrete monuments shall have a metal cross, plug or disk permanently implanted at the center for identifying the location and shall be set flush with the finished grade.
- (b) *Iron pipe and rod monuments.* All lot corners not requiring concrete monuments shall be marked with iron pipe monuments or iron rod monuments each not less than five-eighths inch ( $\frac{5}{8}$ ") in diameter and twenty-four inches (24") long. Such monuments shall be driven so as to be flush with the finished grade. As used herein, the term "iron" shall include iron, steel or any ferrous material exhibiting the strength, longevity and magnetic properties commonly associated with iron. When rock is encountered, a hole shall be drilled four inches (4") deep in the rock, into which shall be cemented a steel rod not less than one-half inch ( $\frac{1}{2}$ ") in diameter, the top of which shall be flush with the finished grade line.
- (c) *Inspection.* Upon completion of subdivision streets, sewers, waterlines and other improvements, all survey monuments required by this chapter shall be clearly visible for inspection and use. Subsequent to completion of all improvement, but prior to final release of surety for a subdivision or any part thereof, the subdivider shall provide to the agent a surveyor's certification that the monuments as shown on the record plat have been installed, were properly set, are properly aligned, and are undamaged. The subdivider shall be responsible for replacing any monument which is damaged, destroyed, removed, or knocked out of alignment during construction.

**Sec. 20.5-79. Subdivision and street names.**

- (a) Names of proposed subdivisions or streets shall not duplicate or nearly duplicate the name, spelling or sound of any existing or approved subdivision or street name within the county or within any por-

tion of an abutting jurisdiction which is in an automatic and mutual emergency response area and/or where such a mutual emergency response agreement has a reasonable potential to be established.

- (b) Proposed streets which align with planned, recorded or existing streets shall generally bear the name of the planned, recorded or existing streets. The agent, however, in consultation with the public safety department, may require the use of a different street name when it is determined that such action is in the best interest of public safety.
- (c) Subdivision and street names shall be indicated on the preliminary plan, development plan, final plat and record plat and shall be approved by the agent.
- (d) Names of recorded or existing subdivisions or streets shall not be changed except by resolution of the board.

### **Sec. 20.5-80. Street signs.**

- (a) Permanent street identification signs of a design approved by the agent shall be installed at all intersections by the subdivider. Permanent street signs shall have reflective backgrounds and lettering and shall conform with the following size standards based on the existing or anticipated posted speed limit of the roadway to which the sign faces:

		Lettering Height	
Speed Limit	Sign Size	Upper case	Lower case
≤ 35 mph	9" x 30-48"	5"	2½"
36-50 mph	12" x 30-60"	6"	3"
> 50 mph	18" x 55"	12"	9"

The agent will arrange for fabrication and installation of such signage upon the payment of the applicable fee as determined in accordance with section 20.5-13(e).

- (b) Prior to the issuance of building permits, temporary street identification signs shall be installed, by the subdivider, at all street intersections through which access to the lot(s) upon which construction will occur passes.  
(Ord. No. 05-33, 12/20/05)

### **Sec. 20.5-81. Entrance signs.**

Entrance signs or monuments to identify the subdivision shall conform with the provisions of the zoning ordinance and the following standards:

- (a) The maximum size and the maximum height of such signs shall be in accordance with the standards established in chapter 24.1, zoning, of this code. . Signs have a minimum setback requirement of ten feet (10') and shall not encroach into sight triangles required by section 20.5-101.
- (b) Only the subdivision name and logo and any symbols indicating compliance with or participation in a governmentally sponsored or mandated fair housing practices program or code may be placed on any such sign. The agent may authorize signs on both sides of a development entrance, and at multiple entrances to the development, provided that no individual sign shall exceed the allowable sign area specified by the zoning ordinance.
- (c) Where such signs are to be illuminated, only external illumination shall be permitted and the size, placement, and number of luminaires shall be reviewed and approved by the agent.
- (d) A landscaped planting area shall be provided surrounding the base of such sign. The minimum size of such planting area shall be four (4) square feet for each one (1) square foot of sign area. Appro-

appropriate groundcovers (other than grass) and shrubs shall be installed within the planting area, including a minimum of six (6) shrubs.

- (e) Walls, fences and other similar treatments which delineate or define the entrance to or boundaries of a subdivision shall require the submission of architectural renderings for approval by the agent.

The agent shall deny or require modification of plans for such features when he finds that the installation would be visually obtrusive upon adjacent properties or public streets, be incompatible with the character of existing or anticipated surrounding development, or conflict with other goals and policies of the county.

Nothing contained in this section shall be interpreted to prevent the mounting of entrance signs on decorative fences or walls.

(Ord. No. 05-33, 12/20/05)

#### **Sec. 20.5-82. Addresses and parcel identification numbers.**

Addresses and parcel identification numbers (PIN) shall be assigned by the county during review of development plans. The parcel identification numbers shall be shown on the final plat and record plat, either within the boundaries of the lots or in tabular form on the plat. Once assigned, neither addresses nor parcel identification numbers shall be changed or otherwise altered except upon the direction of the agent.

#### **Sec. 20.5-83. Preservation of natural features and cultural resources.**

The natural terrain and features of the land, including heritage, memorial, significant and specimen trees, natural watercourses, perennial streams, and other water areas, historic and archaeological sites, scenic areas and other features and resources worthy of preservation located within the area encompassed by any proposed subdivision of property in the county shall be preserved and protected during the development process to the extent possible while enabling reasonable development of property. In this regard, no more land disturbance than absolutely necessary to accommodate reasonable development shall occur and extensive cut and fill of the natural topography shall not be allowed.

The removal of trees or the clearing and grading of land by the subdivider shall be generally permitted only to accommodate the construction and installation of those improvements required by this chapter or other portions of this code or on those lots for which a valid building permit has been issued. Mature trees throughout the remainder of the area encompassed by any proposed subdivision of property shall be protected in accordance with the Virginia Erosion and Sediment Control Manual or other generally accepted tree protection measure during construction and installation of subdivision improvements. In any case, limits of clearing and grading shall be clearly shown on development plans.

(Ord. No. 05-33, 12/20/05)

#### **Sec. 20.5-84. Landscaping, buffers and screening.**

(a) *Landscaping.*

- (1) Entrances and common areas shall be landscaped by the subdivider with appropriate combinations of trees, shrubs, grass and groundcovers except where the existing mature trees have been preserved and protected in such areas. Unless the agent determines that such landscape treatment is unnecessary, impractical or in conflict with drainage, utilities, or other required features of the subdivision, the cleared portions of entrance and common areas in residential subdivisions shall be landscaped with a minimum of one (1) tree and one (1) shrub for each one thousand (1,000) square feet contained in such areas exclusive of roadways, sidewalks, recreational facilities, or other paved areas.
- (2) All landscape treatments required by this chapter or the zoning ordinance shall be designed, arranged, installed and maintained in accordance with the landscaping standards contained in the zoning ordinance.

(b) *Tree planting and replacement.*

- (1) In accordance with section 15.2-961, Code of Virginia, trees shall be preserved, planted or replaced on all residential lots, excluding recreation lots. Tree preservation/planting shall be

accomplished such that, within twenty (20) years growing time, the minimum tree canopy or cover on residential lots shall be twenty percent (20%).

- (2) The required tree canopy or cover shall generally be evenly distributed across the lot with a preference for trees located in front of the principal building and along the rear property line.
  - (3) The calculation of tree canopies shall be based on the Manual of Woody Landscape Plants, 4th edition, 1990, by Michael A. Dirr (ISBN 0-87563-347-1) or Street Tree Factsheets, 1993, Municipal Tree Restoration Program, Pennsylvania State University (ISBN 1-883956-00-5) as they may from time to time be amended.
  - (4) Existing trees which are to be preserved and used to meet all or part of the canopy requirements shall be protected before, during, and after the development process in accordance with those standards contained in the zoning ordinance.
  - (5) Newly planted trees and shrubs shall be selected, installed and maintained in accordance with the standards contained in the zoning ordinance.
  - (6) In all subdivisions in nonindustrial zoning districts, deciduous shade, or ornamental trees shall be planted as street trees along all rights-of-way within and abutting the subdivision. Such trees shall be located either within the right-of-way itself or within a ten-foot (10') landscape preservation easement contiguous to such right-of-way and shall contain, at a minimum, one (1) tree planted approximately every forty feet (40'). Where located within an easement, the subdivider shall dedicate the easement together with a maintenance easement to the property owners' association or other entity approved by the agent and county attorney. All trees planted to meet this requirement shall have a minimum caliper of two and one-half inches (2½") and conform with the relevant provisions of the zoning ordinance. Existing trees which are within twenty feet (20') of the edge of the right-of-way and which are protected and preserved in accordance with the standards contained in the zoning ordinance may be used to satisfy the planting requirement.
  - (7) The subdivider shall have the option to meet the requirements of this subsection through actual installation/retention, a postponed improvement agreement with surety, establishment of restrictive covenants, or some combination which achieves the same intent.
- (c) *Buffers.* A landscaped buffer, broken only by necessary entrances approved by the agent, shall be established on all residential lots along all major roads abutting a proposed subdivision. Such roads shall be defined to include Routes 17, 105, 132, 134, 143, 171, 199, and Interstate 64 and such other routes as may be specified in section 24.1-245 of the zoning ordinance.
- (1) The minimum width of said landscaped buffer shall be thirty-five feet (35'), or such greater dimension as may be prescribed by the zoning ordinance, measured from the edge of the existing or reserved right-of-way.
  - (2) A landscape preservation easement, acceptable as to content and form by the county attorney and encompassing the required buffer, shall be granted to the county.
  - (3) The buffer shall be landscaped in accordance with the landscaping requirements contained section 24.1-243(a)(1) of the zoning ordinance, provided however, that lakes which are at least thirty-five feet (35') in width and are adjacent to such roadways shall be deemed to meet this requirement without the provision of the landscaping required herein.
- (d) *Screening fences.*
- (1) Screening fences supplemented by appropriate landscaping shall be required between proposed commercial/industrial subdivisions and abutting property used for residential purposes where the agent determines that such fences are necessary by reason of use, topography, building location, or other physical aspect of the site.
  - (2) Screening fences shall be constructed of wood or masonry and the agent shall specifically review and approve both the location and design of the screening fence. Fences facing streets shall be finished on the street side.
  - (3) Where required, such screening fences and supplementary landscaping shall be included within the terms of any subdivision agreement entered into by the subdivider and the county.

- (4) All screening fences shall be erected in accordance with proper construction standards, shall be maintained in good repair, and shall be kept free from trash, litter, or debris.
- (5) All screening fences shall be designed and located so as to not interfere with fire hydrants and fire department connections.
- (e) The agent may reasonably modify, transfer, or grant an exception to the requirements contained in this section upon a finding that strict application of the requirements would result in unnecessary or unreasonable hardship and that practicable alternatives to such strict application would achieve a similar intent. Any request for such modification, transfer, or exception shall be made in writing and clearly state the reasons for such request.  
(Ord. No. 05-33, 12/20/05; Ord. No. 09-17, 8/18/09)

#### **Sec. 20.5-85. Chesapeake Bay preservation area.**

Within Chesapeake Bay preservation areas, all development associated with the subdivision of land shall comply with the special performance standards and requirements set forth in Chapter 23.2. Lot size shall be subject to the requirements of the underlying zoning district(s) provided, however, that any newly created lot shall have sufficient area outside the RPA within which to accommodate the intended development in full accordance with the performance standards set forth in Chapter 23.2 so that no land disturbance will occur in the RPA, except for such development otherwise specifically allowed in the RPA by the terms of Chapter 23.2. On newly created lots, the lot size and configuration shall be such that principal buildings can be located at least ten (10) feet from the RPA buffer.  
(Ord. No. 05-33, 12/20/05)

#### **Sec. 20.5-86. Common property.**

All lands and improvements which are not a part of individual lots or dedicated to the ownership and use of the general public but which are for the mutual benefit of the persons residing in or owning lots in the subdivision shall be established, designated, and maintained as common property. Such property shall not be developed for commercial or residential purposes or for the exclusive use of any individual within the subdivision. The creation of such property shall conform in all respects to the requirements set forth in section 24.1-496 through 499 of the zoning ordinance.  
(Ord. No. 05-33, 12/20/05)

#### **Sec. 20.5-87. Recreation and open space areas.**

The subdivider of residential property shall provide reasonable allowances for the active and passive recreation needs of the future residents of the subdivision. Except in approved planned developments, the following standards shall apply:

- (a) Recreation and open space areas shall be provided in residential subdivisions having twenty-five (25) lots or more. Such recreation and open space areas shall contain a minimum land area equal to seven and one-half percent (7.5%) of the cumulative area of lots being subdivided.
- (b) The recreation area shall consist of a single parcel unless otherwise approved by the agent.
- (c) The agent shall determine that the land to be incorporated into the recreation and open space areas is suitable for recreational purposes (passive or active), the development of recreational facilities, or preserves appropriate and sensitive features of the site.
- (d) The land areas reserved as recreation and open space area may be reduced by one-half where the subdivider elects to develop recreational facilities for the use of the future residents of the subdivision. The following standards shall apply:
  - (1) All facilities shall be designed and constructed in accordance with the county's standards for recreational facilities or other acceptable standard or facility design approved by the agent.
  - (2) The mix of facilities shall be reasonably related to the market orientation of the residential units in the subdivision.

- (3) The planned development "core recreation facilities" contained in the zoning ordinance shall guide the design and construction of recreation areas.
- (4) The recreation facilities shall be completed and available for use prior to the issuance of any certificates of occupancy for dwelling units in the subdivision. The agent may, however, approve a phased development schedule for recreational facilities which generally corresponds to the overall phasing of the subdivision itself.
- (e) Development plans for recreational facilities shall be prepared and submitted in accordance with the provisions of article V of the zoning ordinance.

### **Sec. 20.5-88. Land for public purposes.**

Where a subdivider dedicates land for public purposes including, but not limited to, parks, playgrounds, well lots, schools, libraries, municipal buildings, and similar public or semi-public uses, it shall be of a character, size, dimension, and location suitable for the particular use for which the land is dedicated.

### **Secs. 20.5-89—20.5-90. Reserved.**

## **DIVISION 2. STREETS AND ROADS**

### **Sec. 20.5-91. Street and road classifications.**

All new streets and roads shall be classified as "local" streets as defined by the Virginia Department of Transportation and, for the purposes of this chapter, shall be further classified according to their function and the projected average daily traffic (ADT). Average daily traffic shall include all traffic projected to result from the complete development of land served by the subject street, including both internal and external trips. The trip generation rates contained in the most current edition of the Trip Generation Manual (Institute of Transportation Engineers) shall be used to determine the projected ADT. The classification based on ADT shall take precedence over the functional description for purposes of determining street geometrics.

- (a) *Traffic volume classification and description.* New streets shall be classified according to the following table based on the total traffic projected for the street at full development, including full development of adjoining properties which reasonably may be expected to produce or attract traffic which will utilize the street:

Street Classification	Minimum ADT	Maximum ADT
Access	—	250
Subcollector	251	400
Minor Collector	401	2000
Major Collector	2001	8000
Minor Arterial	8001	12000
Major Arterial	Over 12000	

- (b) *Design limitations:*

- (1) *Access street:* carries only the volume of traffic generated on the street itself.
- (2) *Subcollector street:* may carry the volume of at least one access street in addition to its own volume.

- (3) *Collector street*: unsuitable for providing direct residential lot access, however, occasionally no suitable alternative exists.
  - (4) *Arterial street*: direct residential lot access is prohibited and commercial or industrial lot access is controlled and limited to high trip volume generators.
  - (c) *Existing streets*. Where existing streets which are not otherwise classified by the comprehensive plan abut or affect the design of a proposed subdivision, such existing streets shall be classified in accordance with the functional and traffic volume descriptions contained in this chapter.
- (Ord. No. 098-20, 11/4/98; Ord. No. 05-33, 12/20/05; Ord. No. 09-17, 8/18/09)

### **Sec. 20.5-92. Alignment and layout.**

- (a) In accordance with section 15.2-2241-2, Code of Virginia, all proposed streets shall be designed to coordinate with other existing or planned streets contiguous to or within the general area of the subdivision or within existing or future adjacent subdivisions as to location, width, grades, and drainage. Connections with existing or platted streets shall be continuous without offset.
- (b) The agent shall require that adequate rights-of-way are platted and dedicated for public use to the boundary line(s) of the subdivision which will afford desirable and safe street access to adjoining properties when such properties are of a compatible land use designation. In such cases, the following requirements shall apply:

- (1) These rights-of-way shall be clearly marked on the plats and labeled "Future Public Street" or "Future Public Street Extension" as appropriate. In addition, a sign shall be posted on the stub street right-of-way indicating that it is intended for a future roadway connection. Such sign shall be fabricated and installed by the County, with the costs of fabrication/installation to be paid by the subdivider.
- (2) The following notation in, at a minimum, twelve (12) point lettering shall be incorporated into any plat showing a stub or future street:

THIS RIGHT-OF-WAY IS PLATTED WITH THE INTENT OF BEING EXTENDED AND CONTINUED IN ORDER TO PROVIDE INGRESS AND EGRESS TO AND FROM ADJOINING PROPERTIES.

- (3) The following statement shall be included on the conveyance documents for any lot on a stub or future street:

THE RIGHT-OF-WAY UPON WHICH THIS LOT FRONTS HAS BEEN PLATTED WITH THE INTENT OF IT BEING EXTENDED AND CONTINUED IN ORDER TO PROVIDE INGRESS AND EGRESS TO AND FROM ADJOINING PROPERTIES, AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK \_\_\_\_\_, PAGE \_\_\_\_\_/INSTRUMENT NO. \_\_\_\_\_, CIRCUIT COURT FOR YORK COUNTY.

- (c) Where a street right-of-way in an existing subdivision or development has been platted to the boundary line of a proposed subdivision, it shall be extended and continued into such proposed subdivision unless a waiver is granted by the department of transportation. In situations where the department of transportation grants a waiver to the street interconnection requirement, an alternative means for bicycle and pedestrian access may be required to be provided in close proximity to the otherwise required street based on local site conditions. Such bicycle and pedestrian facilities shall be either within an existing right-of-way or in a separate right-of-way and shall be designed and constructed in accordance with Figure VI-B in appendix A or with the standards used by the Virginia Department of Transportation for such facilities.
- (d) Street intersections shall be spaced and designed in accordance with the standards set forth in the Virginia Department of Transportation Subdivision Street Design Guide, dated July 1, 2009, and as may be amended from time to time.
- (e) All subdivisions shall have two (2) means of ingress and egress.

(Ord. No. 098-20, 11/4/98; Ord. No. 099-6, 4/7/99; Ord. No. 05-33, 12/20/05; Ord. No. 08-12, 8/19/08; Ord. No. 09-17, 8/18/09)

**Sec. 20.5-93. Rights-of-way.**

All subdivisions, with the exception of boundary line adjustments which merely relocate a boundary line without an increase in the number of lots, shall be subject to the following requirements:

- (a) Where a subdivision abuts an existing public right-of-way which has a width deficiency created either because it is less than fifty feet (50') in width or because adopted plans show that a greater width will be necessary to accommodate those plans, the subdivider shall be required to dedicate additional rights-of-way as follows:
  - (1) Where the subdivision abuts one (1) side of the right-of-way, the subdivider shall dedicate one-half (1/2) of the right-of-way deficiency along the frontage of the subdivision.
  - (2) Where the subdivision abuts both sides of the right-of-way, the subdivider shall dedicate all of the right-of-way deficiency along the frontages of the subdivision.
- (b) Where the subdivision embraces any part of an arterial or collector street or thoroughfare shown on an approved Comprehensive Plan, official map, or state or regional transportation plan, such street or thoroughfare shall be platted for dedication in the location and width indicated on such plan or map or as deemed necessary by the Virginia Department of Transportation (VDOT) and, except in the case of a limited or controlled access facility, shall be constructed and integrated as a part of the subdivision.
- (c) The minimum right-of-way width shall be fifty (50) feet, or such greater width as may be specified by the Virginia Department of Transportation.

(Ord. No. O98-20, 11/4/98; Ord. No. 05-33, 12/20/05; Ord. No. 09-17, 8/18/09; Ord. No. 13-8, 6/18/13)

**Sec. 20.5-94. Geometric standards.**

- (a) All streets shall have a continuity of design throughout their entire length. Multiple or step-down designs shall not be permitted except that a transition may be permitted at a four-way intersection or other major traffic generator which would constitute a clear demarcation of such change.
- (b) Geometric standards for streets without curb and gutter shall be as set forth in the VDOT Subdivision Street Design Guide, dated July 1, 2009, and as may be amended from time to time.
- (c) Geometric standards for streets with curb and gutter shall be as set forth in the VDOT Subdivision Street Design Guide, dated July 1, 2009, and as may be amended from time to time.

(Ord. No. O98-20, 11/4/98; Ord. No. 05-33, 12/20/05; Ord. No. 09-17, 8/18/09)

**Sec. 20.5-95. Construction standards.**

- (a) Unless otherwise specifically provided in this chapter, construction of all subdivision streets shall be in conformance with department of transportation requirements.
- (b) Subdivision street cross-sections shall be based on the load bearing capacities of soils located within proposed street rights-of-way as detailed in a subsurface soils report, certified by a geotechnical engineer. The agent may, however, upon the recommendation of the department of transportation, waive or modify this requirement when there is sufficient cause to believe that such a report is unnecessary.
- (c) Street construction plans shall be submitted to and approved by both the department of transportation and the county as a part of the review process required by this chapter.
- (d) Street construction surety shall not be fully released until said street(s) have been accepted into the state secondary system.

**Sec. 20.5-96. Curb and gutter streets.**

- (a) Curb and gutter streets shall be required in all subdivisions having a minimum lot size of twenty-eight thousand (28,000) square feet or less and in all subdivisions developed under the cluster subdivision provisions of the zoning ordinance, regardless of lot size provided, however, that the agent may waive or modify this requirement for infill lots created along an existing street which has been developed without curb and gutter.



- (b) Where the minimum lot size exceeds twenty-eight thousand (28,000) square feet, curb and gutter streets shall be required in any subdivision where the longitudinal slope (flowline slope) of any road-side ditch is less than one percent (1%) and the maximum depth is three feet (3'). The depth of ditches shall be measured from the invert elevation to the adjacent existing or finished grade, which-ever shall yield the greatest depth. However, the agent may permit this ditch depth to be exceeded where the natural topography is so severe, exceptional, or extraordinary as to make other options impractical or infeasible based on sound engineering practice and principles. Any request for such consideration shall be made in writing and be accompanied by supporting information to substantiate the request for the modification to the ditch depth requirement.
- (c) The subdivider of any subdivision exempted from the requirements for curb and gutter established above shall provide a subsurface soils report certified by a geotechnical engineer. Said report shall indicate and describe the various soil strata encountered, specify the soil types based on the unified soil classification system, indicate the elevation of the seasonal high water table, and indicate the presence of perched water table conditions. Such report shall further indicate the probability that the proposed roadside ditch system will intercept flowing groundwater or springs, or will contain water as the result of the seasonal high water table or tidal flows. If either of these situations is found to have a high probability of occurrence, curb and gutter shall be required.
- (d) If curb and gutter is required for any portion of a subdivision, it shall be required for the entire subdivi-sion.
- (e) Where curb and gutter is required, the minimum longitudinal slope shall be three-tenths of one per-cent (0.3%).

#### **Sec. 20.5-97. Cul-de-sac streets.**

- (a) Cul-de-sac streets shall generally not exceed six hundred feet (600') in length. The length shall be measured from the end of the cul-de-sac to the closest intersection which provides a means of egress from the subdivision, either directly or indirectly. Where the agent determines that the topog-raphy, property configuration or other physical constraints are such that a cul-de-sac of greater length is required or desirable for the effective and efficient development of the property, the agent may authorize cul-de-sacs which exceed six hundred feet (600') in length. In such cases, the cul-de-sac street shall generally be designed with a landscaped median which divides the cul-de-sac street into (2) two distinct and separate lanes. Such street may, however, be continuously undivided for the final six hundred feet (600') measured from the end of the turnaround. Median breaks shall be provided at street intersections and at other appropriate locations along the street to ensure good traffic circulation and the delivery of emergency services. In general, this means that median breaks should occur approximately at three hundred foot (300') intervals. In consultation with the depart-ment of fire and life safety, the agent may waive or modify the median requirement if it is determined that such a design will not aid emergency access and operations.
- (c) Cul-de-sac streets shall be terminated by a turnaround having a minimum pavement radius of forty-five feet (45') or such other design as may be approved by the department of transportation with the concu-rrence of the department of fire and life safety.

(Ord. No. 05-33, 12/20/05; Ord. No. 09-17, 8/18/09)

#### **Sec. 20.5-98. Driveways and entrances.**

- a) The minimum spacing between the tangent point of an intersection and permitted driveways or entranc-es, and between driveways or entrances themselves, shall be in accordance with the following table based on the street classification, provided, however, that a greater or lesser distance may be stipulated by the agent upon the recommendation of the department of transportation. Reduction of these spacing requirements shall be permitted when the property configuration or location would preclude strict applica-tion of these standards, provided however that where an alternate access arrangement or an internal ac-cess system is practical and feasible, multiple driveways or entrances not in conformance with these spacing standards shall not be permitted.

Classification	Minimum Spacing (feet)
Access	20

<b>Subcollector</b>	<b>25</b>
<b>Minor Collector</b>	<b>50</b>
<b>Major Collector</b>	<b>50</b>
<b>Minor Arterial</b>	<b>125</b>
<b>Major Arterial</b>	<b>175</b>

- (b) The width of residential driveways shall be not less than nine feet (9') and not greater than twenty feet (20') measured at the edge of the right-of-way.
- (c) Driveways or entrances to lots created adjacent to streets classified as major collector, minor arterial, or major arterial shall conform with the following standards:
  - (1) Where all of the lots i) front on a single roadway so classified, ii) extend the full depth of the parent tract and, iii) no further subdivision of those lots is possible, each two (2) abutting non-residential lots shall be permitted one (1) driveway or entrance access point which shall be identified and noted on the final and record plat as being the access for both non-residential lots. Each residential lot shall be entitled to an individual access. In all other cases, an internal access system shall be developed.
  - (2) Where any lots created are to front on or obtain access from an internal access system, such system shall be designed to provide the access to all lots. Access onto the above classified streets shall be permitted only where the internal access system intersects such streets.
  - (3) A restricted access easement ten feet (10') in width shall be shown on the final and record plat and be recorded along the entire frontage except at the above permitted access points.
  - (4) The agent may grant exceptions to these requirements with the concurrence of the department of transportation upon finding that:
    - a. The need for, and safety of, such additional access points has been substantiated in a traffic impact analysis prepared in accordance with article II, division 5 of the zoning ordinance to the satisfaction of the agent; and
    - b. All applicable spacing and clearance requirements as prescribed by this chapter, the zoning ordinance, and the department of transportation can be met.
- (d) Except for single-family detached residential development, the use of shared access arrangements shall be the preferred alternative.

### **Sec. 20.5-99. Alleys.**

In certain situations, the use of alleys may be a desirable alternative to the more traditional type of residential development. Alleys may be permitted in residential planned developments, cluster development, or similar residential subdivisions where average lot widths are less than seventy feet (70'), however, the following conditions shall apply:

- (a) Frontage on an alley shall not be construed to satisfy any lot frontage requirements.
- (b) Alleys shall be maintained and perpetuated by a duly constituted property owners' association and notations to this effect, including a note that such alleys will not be eligible for acceptance and maintenance by the Virginia Department of Transportation, shall be clearly indicated on the face of the record plat.
- (c) Alleys shall have a minimum right-of-way width of sixteen feet (16'), a minimum pavement width of twelve feet (12') and a maximum length of five hundred feet (500').
- (d) Alleys shall be designed to minimize or eliminate the potential for through traffic.
- (e) Alleys shall intersect only access or subcollector streets.

- (f) If curb and gutter is used, it shall be of a roll-top type design.
- (g) All structures, including garages and fences shall be set back a minimum of ten feet (10') from the edge of the alley right-of-way. Alleys shall not be considered streets or roads for the purpose of front yard set-back requirements.
- (h) Where alleys are proposed to terminate in a cul-de-sac, either a circular or a "T" or "Branch" turnaround shall be provided with a minimum outside turning radius of thirty feet (30').  
(Ord. No. 05-33, 12/20/05)

**Sec. 20.5-100. Regulatory and traffic signs.**

- (a) The subdivider shall be responsible for the provision of all regulatory and traffic signs required to maintain and ensure traffic safety during and after construction of improvements. This shall include the provision, if required by the agent after consultation with the department of transportation, of temporary or permanent regulatory and traffic signs during construction.
- (b) All required regulatory and traffic signs within any subdivision or section thereof shall be installed prior to occupancy of any structure constructed on any lot in said subdivision or section thereof.
- (c) All intersections of subdivision streets with existing public roadways shall be provided with appropriate STOP or YIELD signs, as determined by the agent after consultation with the department of transportation, prior to the issuance of any building permits for any structure on a lot contained within said subdivision accessed directly or indirectly through such intersection.

**Sec. 20.5-101. Sight distance triangles.**

- (a) Sight triangles shall be required at all street intersections. Such sight triangles shall include the area on each corner that is bounded by the corner radius formed by the right-of-way/property line and a line connecting the property monuments at the two ends of the corner radius.
- (b) Signs, plantings, structures or other obstructions which obscure or impede sight lines between three feet (3') and six feet (6') in height above grade shall be prohibited within the sight triangle.
- (c) The sight triangle shall be clearly shown and its purposes noted on the final plat.
- (d) A right-of-entry for the purpose of removing any object, material or other obstruction that hinders the clear sight across the area shall be dedicated to the county and the Virginia Department of Transportation.
- (e) In the event the sight distance standards specified by the VDOT Subdivision Street Design Guide are more restrictive than the requirements of this ordinance, then the VDOT standards shall be observed.  
(Ord. No. 05-33, 12/20/05)

**Sec. 20.5-102. Private streets.**

Private streets may be authorized by the agent in accordance with the applicable provisions of the zoning ordinance as it applies to planned developments, cluster subdivisions, and attached residential development and shopping centers. Where authorized, private streets shall conform with the following requirements:

- (a) The streets shall be designed to meet or exceed the geometric standards specified by the VDOT Subdivision Street Design Guide, provided however that the agent may approve minor deviations where the resulting design is clearly equal to or superior to that which would otherwise result.
- (b) The streets shall be designed to meet or exceed the construction standards specified by the VDOT Subdivision Street Design Guide, provided however that where unique or nonstandard surface treatments are proposed, the agent may approve deviation from the standards provided that the subdivider provides evidence, certified by a professional engineer, that the proposed alternative will have the same or reduced maintenance requirements as would the otherwise required surface treatment.
- (c) A duly constituted property owners' association shall be vested with ownership of and maintenance responsibility for private streets at the time of recordation.

- (d) As provided by section 15.2-2242-3, Code of Virginia, each plat on which such a private street is shown shall contain, in addition to all other required notations and certifications, the following notation prominently displayed in, at minimum, twelve (12) point lettering:

*THE STREET(S) SHOWN HEREON IS/ARE PRIVATE, MAY NOT MEET STATE STANDARDS, AND WILL NOT BE MAINTAINED BY EITHER THE COMMONWEALTH OF VIRGINIA OR THE COUNTY OF YORK. MAINTENANCE OF THE ROAD(S) AND RIGHT(S)-OF-WAY SHOWN HEREON IS/ARE THE RESPONSIBILITY OF THE PROPERTY OWNERS ASSOCIATION FOR THE LOTS CREATED BY THIS PLAT.*

Grantors of any subdivision lot to which the above statement applies must include the statement on each subsequent deed of conveyance thereof.

- (e) The subdivider shall be required to guarantee and post surety for the construction of any private streets authorized herein.
- (f) Private streets shall be inspected at the expense of the subdivider both during and after construction by an independent testing and engineering firm to ensure that the road design and construction meets or exceeds the standards of the department of transportation for public roads of the same class and volume. Certification to this effect by an engineer licensed in Virginia shall be submitted to the agent together with relevant logs and reports prior to the issuance of a certificate of occupancy for any structure having its sole access from a private street.

(Ord. No. 05-33, 12/20/05)

#### **Sec. 20.5-103. Construction traffic access.**

The agent shall specifically review and approve all construction entrances and the access routes to such construction entrances. In specifying and/or limiting construction traffic access routes to such entrances or the entrances themselves, the agent shall consider all available or potential access alternatives with the objective of ensuring pedestrian and vehicular safety within existing and/or developing residential neighborhoods. Construction traffic shall be deemed to include, but not be limited to, construction equipment used in site development or building activity, vehicles transporting such construction equipment and/or construction/building materials, and vehicles transporting persons engaged in site development, construction, or building activities.

#### **Secs. 20.5-104—20.5-105. Reserved.**

### **ARTICLE VII. PERFORMANCE**

#### **Sec. 20.5-106. Purpose.**

The purpose of performance guarantees is to ensure the proper construction, installation and maintenance until final acceptance of required streets, utilities, and other public improvements. To the greatest extent possible, the nature and duration of such guarantees should be structured to achieve this goal without adding unnecessary development costs.

#### **Sec. 20.5-107. Subdivision agreement.**

Where the subdivider chooses to post surety in lieu of completion of those physical improvements shown on the approved development plan and/or final plat in order to allow recordation prior to completion and acceptance of all required public improvements, he shall enter into a subdivision agreement, approved as to content and form by the county attorney, with the county prior to recordation of the record plat by the agent. Said subdivision agreement shall be submitted to the agent no less than fifteen (15) days prior to the anticipated date of recordation. The agent shall provide to the subdivider a sample subdivision agreement during review of the final plat.

**Sec. 20.5-108. Time of performance.**

- (a) The period within which improvements or installations shall have been completed and inspected for acceptance shall be specified in the subdivision agreement. Unless otherwise provided by the agent, the period shall not exceed one (1) year from the date of recordation of the record plat. In approving the time of performance of the subdivision agreement, the agent shall require a report containing the following information from the subdivider:
- (1) Percent of public improvements already completed; and
  - (2) Rate of construction activity including the estimated completion date for each major feature (roads, sewer, water, lights, etc.) remaining to be completed.
- The agent shall not permit subdivision agreement to be executed where, on the basis of the report submitted by the subdivider, it is apparent that the improvements or installations covered by said agreement cannot reasonably be expected to be completed by the deadline established therein.
- (b) The issuance of residential building permits shall be directly related to the schedule for completion and acceptance by the county of all required public improvements. The agent and building official shall be satisfied that all required and necessary public improvements can reasonably be expected to be completed and accepted by the county within ninety (90) days of the issuance of a building permit for such residential structure. In no case, unless specifically authorized by other provisions of this Code or regulations promulgated pursuant thereto, may a certificate of occupancy be issued for any residential structure prior to full and final completion and acceptance by the county of all required and necessary public improvements provided, however, that this requirement shall not be construed to include the final surface treatment and acceptance of public streets by the department of transportation. The subdivider shall be required to include a clause in the contracts for sale of lots in the subdivision which discloses this requirement.

**Sec. 20.5-109. Surety in lieu of completion.**

- (a) Where the subdivider wishes to record the record plat, but physical improvements and installations, including public and private streets, shown on the approved development plan and/or final plat have not been made, in whole or in part, the subdivider may, in accordance with section 15.2-2241(A)(5), Code of Virginia, enter into a subdivision agreement (as described above) with the county and submit performance surety in an amount sufficient for and conditioned upon the satisfactory construction or completion of said improvements or installations. Such physical improvements and installations shall include, but not be limited to, any street; curb; gutter; sidewalk; bicycle trail; drainage or sewerage system; waterline as part of a public system; other improvement intended for dedication to public use to be maintained by the county, the Commonwealth, some other public agency or a property owners' association; site-related improvements required by this or other chapters of this Code for vehicular ingress or egress; public access streets; structures necessary to ensure the stability of slopes; and stormwater management facilities. The amount of surety shall be acceptable to the agent and shall cover the full estimated cost of said improvements plus a reasonable allowance for administration, overhead, inflation and potential damage to existing improvements.
- (b) Performance surety shall be submitted in such form as shall be acceptable to the agent and county attorney as to format, sufficiency and manner of execution and shall have been posted to the satisfaction of the agent and county attorney prior to recordation of the record plat by the agent.
- (c) In those cases where performance surety has been posted and the required improvements or installations have not been completed within the terms of the subdivision agreement, the agent shall declare the subdivider to be in default and shall draw on the posted surety. After the funds or proceeds from the property have been received, the agent shall cause such improvements to be completed. The subdivider shall be fully and completely responsible and liable for the entire cost of completing the improvements, even when such cost exceeds the amount of surety.
- (1) If the funds or proceeds from the surety are insufficient to complete the improvements, the agent and county attorney shall proceed to obtain such funds from the subdivider, its successors or assigns including such reasonable costs as may be expended in the process.

- (2) If any funds remain after all improvements or installations are completed and accepted with all necessary fees paid and no defects are found therein which must be repaired, such remaining funds, less any such reasonable administrative or overhead costs which may have accrued, shall be returned to the subdivider within one hundred eighty (180) days of final acceptance of the final improvement or installation.
  - (d) Performance surety shall be released in accordance with the provisions of section 15.2-2245 of the Code of Virginia, provided, however, that "written notice of completion" shall consist of a set of "as-built" plans, a certificate of completion by a duly licensed engineer or surveyor, and a completed application form or letter to the agent requesting reduction or release of surety.
- (Ord. No. 05-33, 12/20/05)

**Sec. 20.5-110. Maintenance agreements.**

- (a) Upon completion of the required improvements other than public roads, the subdivider shall apply to the agent, in writing, for final inspection and approval for acceptance. After approval of the improvements by the agent, but before acceptance or the release of any surety, the subdivider shall enter into a maintenance agreement with the county and shall post surety in such form as may be approved by the county attorney, in the amount of five percent (5%) of the cost of the required improvements other than public roads or any other improvement for which the materials or workmanship are otherwise guaranteed for a period of at least one (1) year. Such agreement shall guarantee correction by the subdivider of any defects in materials or workmanship in the installation of such improvements by the subdivider for a period of one (1) year subsequent to approval and acceptance by the county.
- (b) Maintenance agreements and payments for public roads dedicated or intended for dedication to the department of transportation shall be in accordance with the policies and regulations of the department of transportation in effect at the time of acceptance.
- (c) In the event the board has accepted the dedication of any street for public use and such street, due to factors other than its quality of construction, is not accepted into the state system of highways, the subdivider shall furnish a maintenance and indemnifying agreement with surety in a form and amount acceptable to the agent and county attorney which is sufficient for and conditioned upon maintenance of said street until such time as it is accepted by the department of transportation.
- (d) Any best management practice utilized in the subdivision which requires regular or periodic maintenance in order to continue its functions, shall further have such regular or periodic maintenance ensured by the agent through a maintenance agreement with the owner or developer, or through some other mechanism which achieves an equivalent objective.

**Secs. 20.5-111—20.5-115. Reserved.**

**ARTICLE VIII. DEVELOPMENT IMPACT ANALYSIS**

**Sec. 20.5-116. Applicability and intent.**

- (a) It is the intent of the county that the transportation and water quality impacts of certain development proposals be evaluated during the review process and, where such impacts are negative, that they be ameliorated to the extent possible.
- (b) The subdivider of any subdivision containing, or based on the existing zoning classification potentially containing more than fifty (50) lots shall prepare and submit to the agent a traffic impact analysis detailing the traffic impacts of the proposed subdivision, as defined in section 20.5-117.
- (c) The subdivider of any subdivision which will involve development activity within a resource protection area as determined by the Natural Resources Inventory shall submit a water quality impact analysis in accordance with Chapter 23.2 which shall identify the impacts of the proposed subdivision and subsequent development thereon on water quality, the buffer and the lands in the resource protection area.

(Ord. No. 05-33, 12/20/05; Ord. No. 14-24, 11/18/14)

**Sec. 20.5-117. Traffic impact analysis.**

Where required, a transportation systems impact assessment shall be prepared and submitted to the agent at the time of preliminary plan submission, or at the time of development plan submission in the event a preliminary plan was not required or submitted. The traffic impact analysis shall include sufficiently detailed information to reasonably determine the impact of the proposed development on the existing and planned transportation network and systems and shall be prepared in accordance with the relevant provisions of the zoning ordinance. The traffic Impact analysis shall include all pertinent information relative to the proposed development phasing and shall be correlated with that phasing.

(Ord. No. 14-24, 11/18/14)

**Sec. 20.5.118. Water quality impact assessments and impact studies.**

(a) For subdivisions of land in Chesapeake Bay Preservation Areas, a Water Quality Impact Assessment shall be required at the time of preliminary plan submission, or at the time of development plan submission in the event a preliminary plan was not required or submitted. The water quality impact assessment shall be prepared in accordance with Chapter 23.2.

(b) For subdivisions of land in Watershed Management and Protection Areas, an impact study prepared in accordance with Section 24.1-376 of the Zoning Ordinance is required.

(Ord. No. 05-33, 12/20/05; Ord. No. 14-24, 11/18/14)

**Sec. 20.5-119. Review of analysis.**

The Agent shall review, or transmit to appropriate departments or agencies for review, all submitted impact analyses, water quality impact assessments and impact studies. Such analyses, assessments and studies shall form the basis for recommendations to or requirements of the subdivider for the appropriate design of potential mitigation efforts.

(Ord. No. 05-33, 12/20/05)

**Secs. 20.5-120—20.5-125. Reserved.****ARTICLE IX. EXCEPTIONS, APPEALS AND VARIANCES****Sec. 20.5-126. Commercial and industrial subdivisions.**

Commercial subdivisions and industrial subdivisions shall comply with all of the requirements of this chapter, provided, however, that the agent may, upon a determination that the public interest is equally well served, waive or modify the following requirements:

(a) The requirement that each lot created front on a public street or roadway provided that a notation to this effect shall be clearly shown on the final plat.

(b) The requirement that through lots have access to only the roadway with the lesser traffic volume, provided, however, that the agent may require that access to the road with the lesser traffic volume be restricted or prohibited.

(c) The requirement that new electric utility service be placed underground in industrial subdivisions provided, however, that this shall apply only to three-phase electrical service in industrial subdivisions in which unscreened outdoor storage is permitted. In granting such a waiver or modification, the agent shall review and determine the appropriate location for such overhead utility placement. Nothing in this subsection shall be interpreted to waive or modify any requirement of the zoning ordinance with respect to the location of on-site utilities.

(Ord. No. 05-33, 12/20/05)

**Sec. 20.5-127. Townhouse and condominium subdivisions.**

Townhouse, multiplex, and condominium subdivisions shall comply with all of the requirements of this chapter as well as those contained in chapter 24.1, Zoning, of this Code provided, however, that the agent may, upon a determination that the public interest is equally well served, waive the requirement that each lot created front on a public street or roadway. A notation to this effect shall be clearly shown on the final plat.

**Sec. 20.5-128. Appeals and variances.**

- (a) The county board of zoning and subdivision appeals shall hear and decide appeals and applications for variances from the terms or administration of this chapter.
- (b) The board of zoning and subdivision appeals shall have the following powers and duties with respect to the subdivision ordinance:
  - (1) To hear and decide appeals from any order, requirement, decision or determination made by the agent or other administrative officer in the administration and enforcement of this chapter, provided however, that the subdivider may appeal the failure of the agent to approve or disapprove a plan or plat within the timeframes contained herein or the disapproval by the agent of such a plan or plat directly to the circuit court in accordance with section 15.2-2259, Code of Virginia.
  - (2) To authorize upon appeal or original application in specific cases a variance from the terms and conditions of this chapter as will not be contrary to the public interest, when, owing to special conditions, a literal interpretation and enforcement of the provisions will result in hardship and provided that the spirit of this chapter is upheld and substantial justice done, as follows:
    - a. When a property owner can show that his property was acquired in good faith and where by reason of the exceptional size, shape, topography, or other extraordinary condition of the specific property or of the use and development of immediately adjacent property, the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the use of the property, or where the board of zoning and subdivision appeals is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided, that all variances shall be in harmony with the intended spirit and purpose of this chapter.
    - b. No variance shall be authorized by the board of zoning and subdivision appeals unless it finds:
      - 1. That the strict application of the chapter would produce substantial injustice or hardship;
      - 2. That such hardship is not shared generally by other properties;
      - 3. That the granting of such a variance will not be of substantial detriment to adjacent property; and
      - 4. That the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.
    - c. In authorizing a variance, the board of zoning and subdivision appeals may impose such conditions regarding the location, character and other features of the proposal as it may deem necessary in the public interest, and may require performance guarantees to ensure that the conditions imposed are complied with and that such compliance will continue.
- (c) Appeals of administrative decisions or determinations shall be filed with the secretary of the board of zoning and subdivision appeals within thirty (30) days of such decision having been rendered in writing, by any person aggrieved or affected by such decision or determination. Such application shall clearly state the grounds for appeal. The secretary shall transmit to the board of zoning and subdivi-



sion appeals the application, all supporting documentation, and all papers constituting the record upon which the appealed action was taken.

- (d) An appeal shall stay all proceedings in furtherance of the appealed action unless the agent certifies to the board of zoning and subdivision appeals that, by reason of the facts stated in such certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order granted by the board of zoning and subdivision appeals or by a court of record, on application and on notice to the agent for good cause shown.
- (e) Applications for variances may be filed with the secretary of the board of zoning and subdivision appeals by any subdivider. Such application and accompanying maps, plans or other information shall be promptly transmitted to the board of zoning and subdivision appeals and placed on the docket to be acted upon after public notice and hearing in accordance with section 15.2-2204 of the Code of Virginia. A copy of the application and accompanying documentation shall be transmitted to the planning commission which may send a recommendation or appear as a party at the hearing.
- (f) The board of zoning and subdivision appeals shall fix a reasonable time for the hearing of an application for a variance or an appeal, but in no case shall it be heard more than seventy-five (75) days after a complete application, including fees, is filed with the secretary. Applications shall be decided no more than ninety (90) days from the date the complete application was filed.
- (g) In exercising its powers and duties with respect to this chapter, the board of zoning and subdivision appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from. The concurring vote of a majority of the membership of the board of zoning appeals shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to effect a variance from the terms and conditions of this chapter.
- (h) The board of zoning and subdivision appeals shall keep minutes of its proceedings and other official actions with respect to this chapter, said minutes to be filed in the office of the secretary to the board of zoning and subdivision appeals and maintained as public records. The chairman of the board of zoning and subdivision appeals, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.
- (i) When the board of zoning and subdivision appeals has acted on an application with respect to this chapter, substantially the same application or appeal shall not be considered within one (1) year of the date of action.

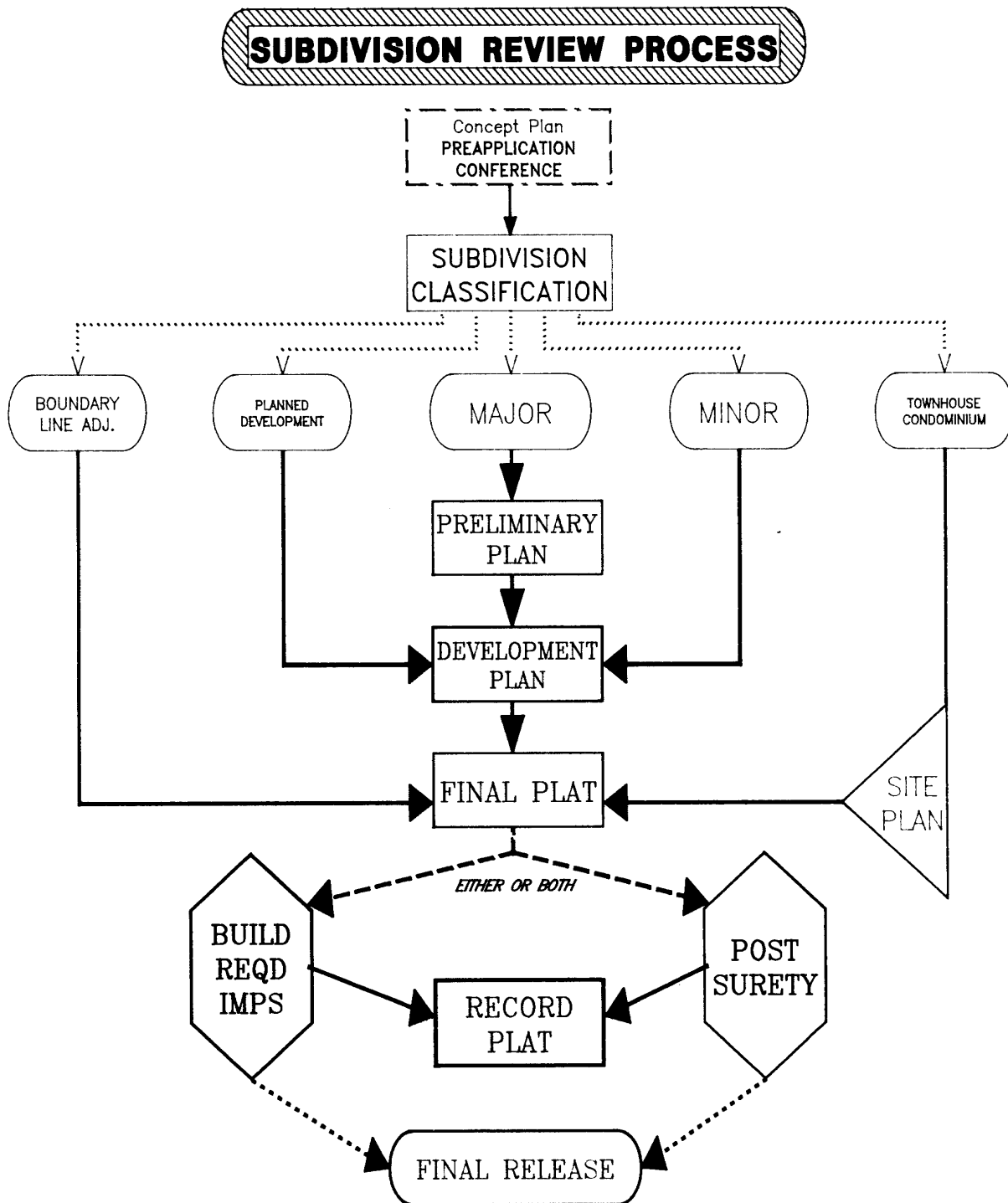
(Ord. No. 05-33, 12/20/05)

### **Sec. 20.5-129. Appeals from decisions of the board.**

Any person or persons individually or severally aggrieved by any decision of the board of zoning and subdivision appeals with respect to this chapter, or any taxpayer or any officers, department, board or bureau of the county may present to the circuit court of the county, within thirty (30) days after the rendering of said decision by the board of zoning and subdivision appeals, a petition specifying the grounds on which aggrieved and the relief sought. The court shall review and decide on such petition in accordance with the provisions of section 15.2-2314, Code of Virginia.

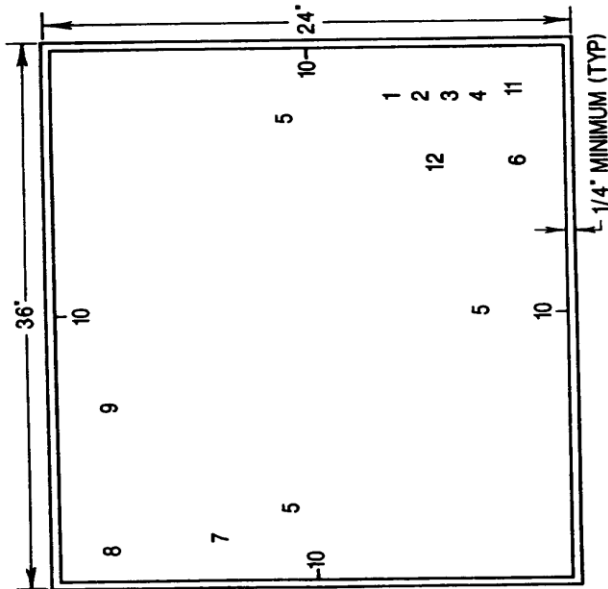
(Ord. No. 05-33, 12/20/05)

## APPENDIX A. DIAGRAMS AND FIGURES



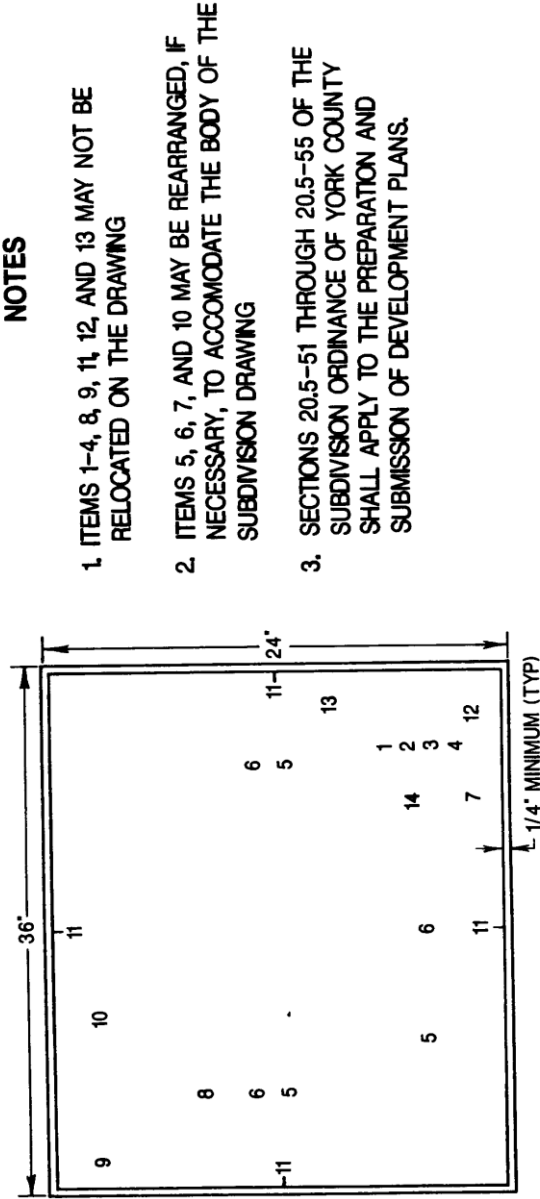
NOTES

1. ITEMS 1-4, 7, 8, 10, AND 11 MAY NOT BE RELOCATED ON THE DRAWING
2. ITEMS 5, 6, AND 9 MAY BE REARRANGED, IF NECESSARY, TO ACCOMMODATE THE BODY OF THE SUBDIVISION DRAWING
3. SECTIONS 20.5-46 THROUGH 20.5-50 OF THE SUBDIVISION ORDINANCE OF YORK COUNTY SHALL APPLY TO THE PREPARATION AND SUBMISSION OF PRELIMINARY PLANS.



DRAWING COMPONENT	MINIMUM SIZES		
	DRAWING AREA	LETTERING HEIGHT	LINE WEIGHT
1. TITLE (AND SUBDIVISION SECTION, IF APPLICABLE)	N/A	30	4
2. DATE	N/A	14	1
3. SURVEYOR/ENGINEER	N/A	14	1
4. GRAPHIC SCALE AND WRITTEN SCALE	N/A	14	1
5. TABLE OF LAND USE AND STATISTICAL DATA	N/A	14	1
6. SURVEYOR/ENGINEER SEAL	N/A	N/A	N/A
7. OWNER AND SUBDIVIDER	N/A	14	1
8. VICINITY MAP (1"=2000')	4" X 4"	N/A	N/A
9. NORTH ARROW AND BASIS	N/A	14	3
10. CENTER TICK MARKS	N/A	N/A	00
11. NUMBER OF SHEETS	N/A	14	1
12. CLEAR AREA FOR COUNTY APPROVAL STAMP	3" X 5"	N/A	N/A

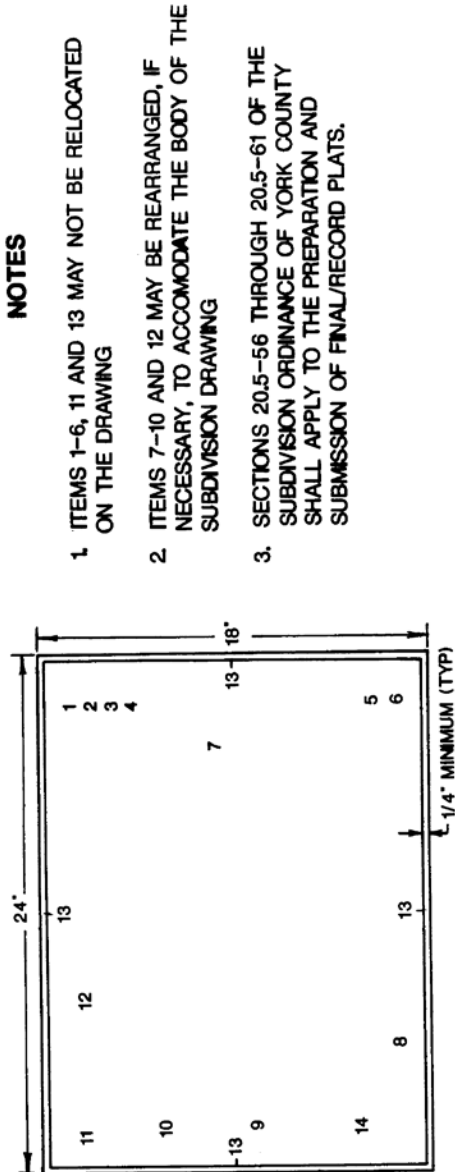
FIGURE III-A PRELIMINARY PLAN



DRAWING COMPONENT	MINIMUM SIZES		
	DRAWING AREA	LETTERING HEIGHT	LINE WEIGHT
1. TITLE (AND SUBDIVISION SECTION, IF APPLICABLE)	N/A	30	4
2. DATE	N/A	14	1
3. SURVEYOR/ENGINEER	N/A	14	1
4. GRAPHIC SCALE AND WRITTEN SCALE	N/A	14	1
5. TABLE OF STATISTICAL DATA	N/A	14	1
6. TABLE OF LAND USE DATA	N/A	14	1
7. SURVEYOR/ENGINEER SEAL	N/A	N/A	N/A
8. OWNER AND SUBDIVIDER	N/A	14	1
9. VICINITY MAP (1"=2000')	4" X 4"	N/A	N/A
10. NORTH ARROW AND BASIS	N/A	14	3
11. CENTER TICK MARKS	N/A	N/A	00
12. NUMBER OF SHEETS	N/A	14	1
13. INDEX OF SHEETS	N/A	14	1
14. CLEAR AREA FOR COUNTY APPROVAL STAMP	3" X 5"	N/A	N/A

**FIGURE IV-A      DEVELOPMENT PLAN**

Final Record/Plat

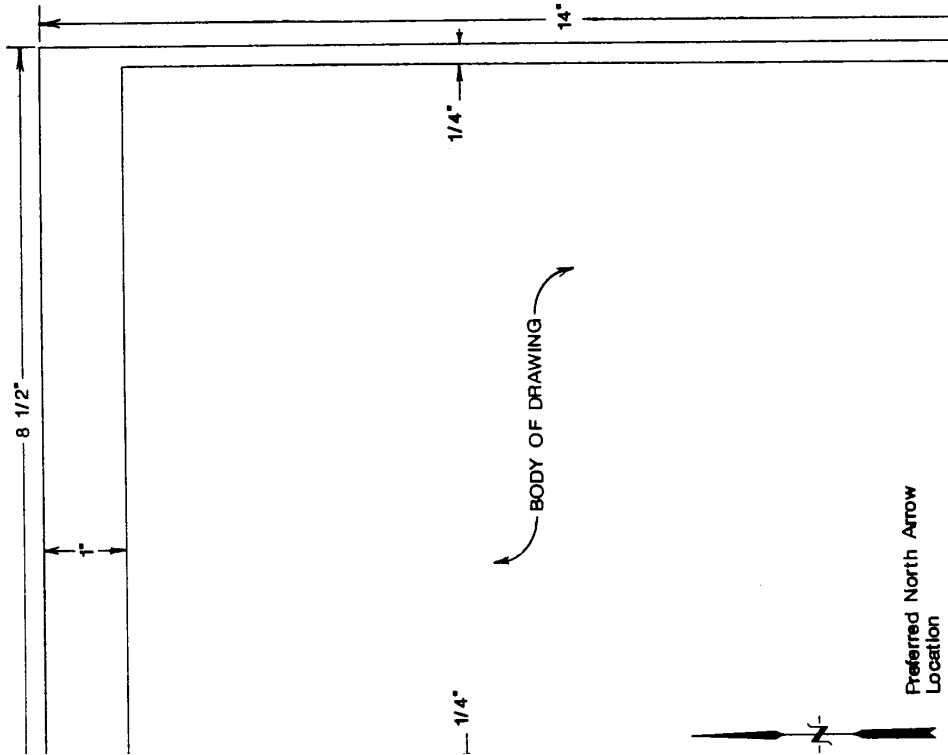



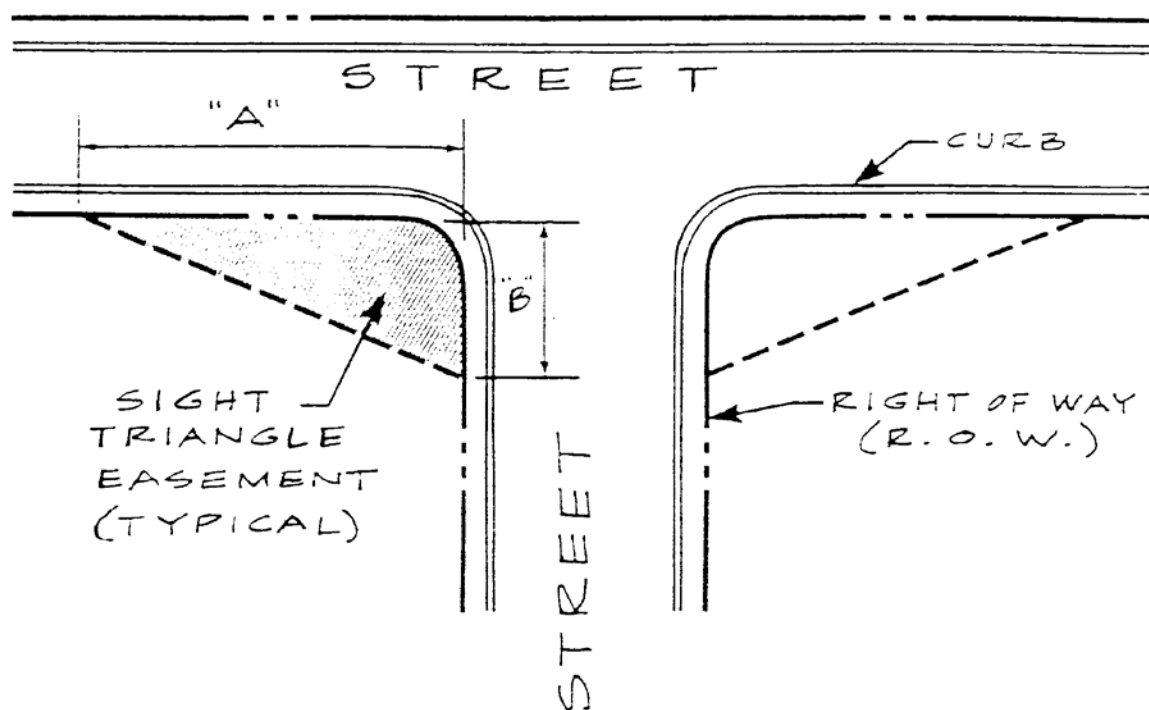
DRAWING COMPONENT	MINIMUM SIZES		
	DRAWING AREA	LETTERING HEIGHT	LINE WEIGHT
1. TITLE (AND SUBDIVISION SECTION, IF APPLICABLE)	N/A	42	4
2. DATE	N/A	14	1
3. SURVEYOR/ENGINEER	N/A	14	1
4. GRAPHIC SCALE AND WRITTEN SCALE	N/A	14	1
5. PLAT APPROVING AGENT CERTIFICATION	3" X 5"	20	1
6. CLERK OF THE COURT/RECORDATION CERTIFICATE	N/A	14	1
7. LEGEND, NOTES, ACREAGE, REFERENCES, ETC.	N/A	14	1
8. SURVEYOR/ENGINEER SEAL	N/A	N/A	N/A
9. SURVEYOR/ENGINEER CERTIFICATE	N/A	14	1
10. OWNERSHIP CERTIFICATE	N/A	14	1
11. VICINITY MAP (1"-2000')	4" X 4"	N/A	N/A
12. NORTH ARROW AND BASIS	N/A	14	3
13. CENTER TICK MARKS	N/A	N/A	00
14. UTILITIES NOTES	N/A	14	1

FIGURE V-A FINAL/RECORD PLAT

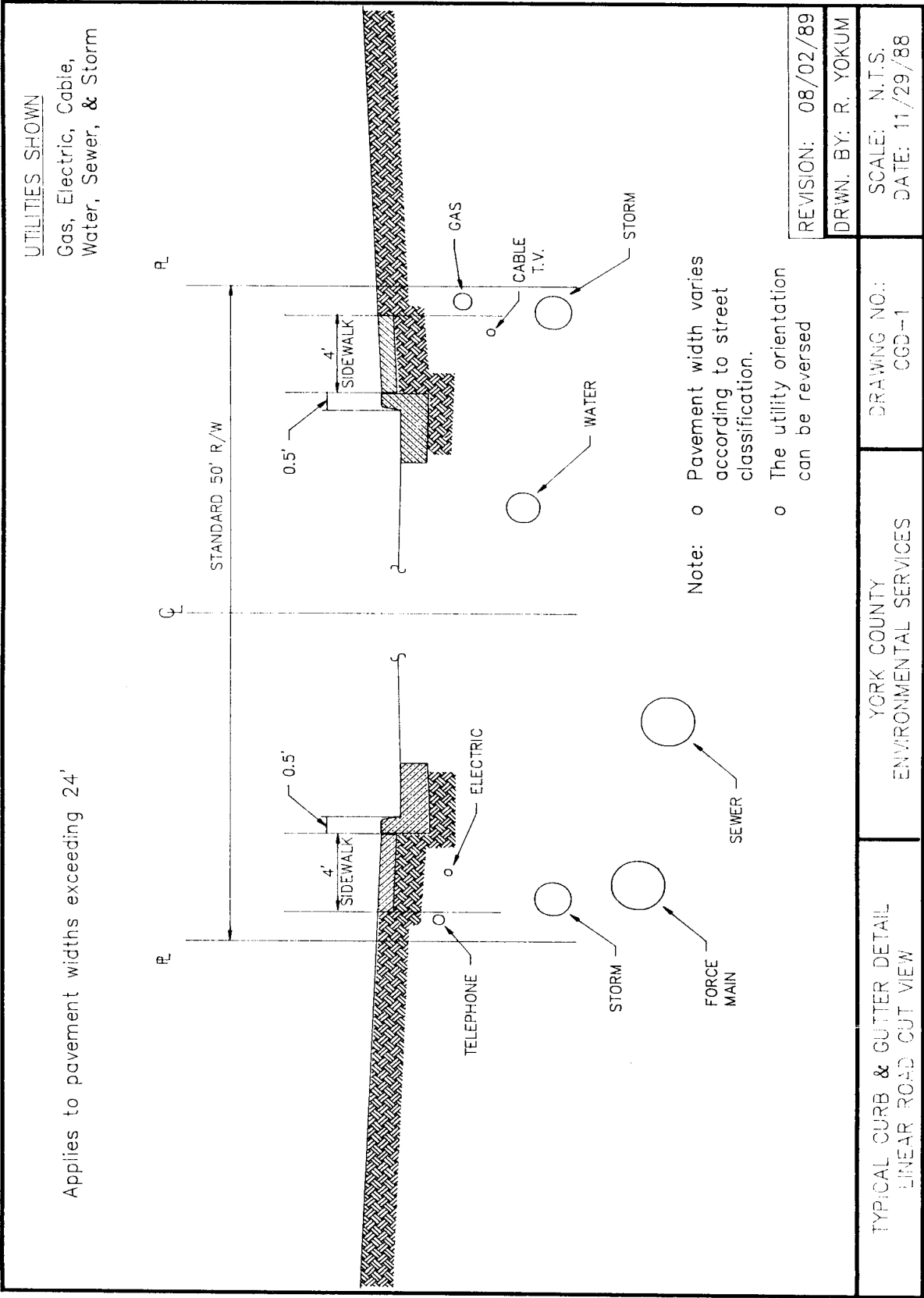
NOTES

1. THE PLAT SHALL CONTAIN ONE OF THE FOLLOWING TITLES AS APPLICABLE:
  - a). PLAT OF EASEMENT DEDICATION
  - b). PLAT OF RIGHT-OF-WAY DEDICATION
  - c). PLAT OF EASEMENT/RIGHT-OF-WAY DEDICATION
2. ALL EASEMENTS TO BE DEDICATED TO THE COUNTY SHALL BE SPECIFIED AS DRAINAGE AND UTILITY EASEMENTS UNLESS OTHERWISE SPECIFIED BY THE AGENT.
3. ALL EASEMENTS WHICH DO NOT FOLLOW PROPERTY LINES SHALL BE LOCATED BY A METES AND BOUNDS DESCRIPTION AND OTHER INFORMATION AS NECESSARY TO ACCURATELY LOCATE SUCH EASEMENTS.
4. ALL EASEMENTS WHICH FOLLOW DITCHES, SWALES STREAMS, ETC. MAY BE DESIGNATED AS FOLLOWING THE CENTERLINE OF SUCH DITCH, SWALE, OR STREAM. THE OUTER BOUNDARIES OF THE EASEMENT SHALL BE SHOWN.
5. THE FULL NAME OF THE PROPERTY OWNER AS SHOWN ON THE OWNER'S DEED MUST BE PROVIDED. ALSO, PROVIDE THE APPROPRIATE DEED REFERENCE ON THE PLAT.

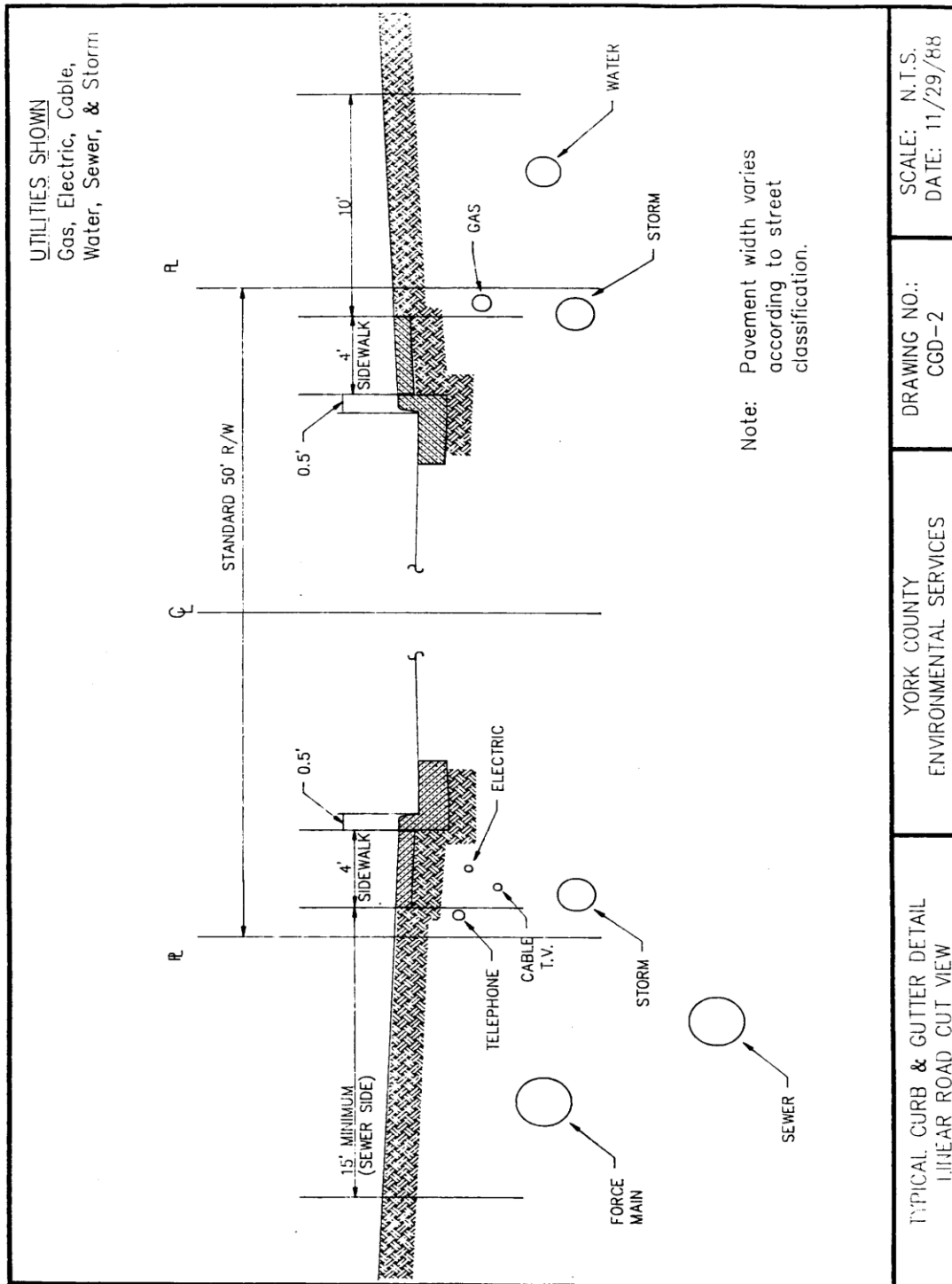
		<b>REFERENCES</b> NOTES:	
		<b>PLAT OF EASEMENT DEDICATION</b>	
		FROM:	
		TO: COUNTY OF YORK, VIRGINIA	
		PROJECT:	
		DATE:	
		SCALE:	
		Name and Address of Surveyor/Engineer	
			

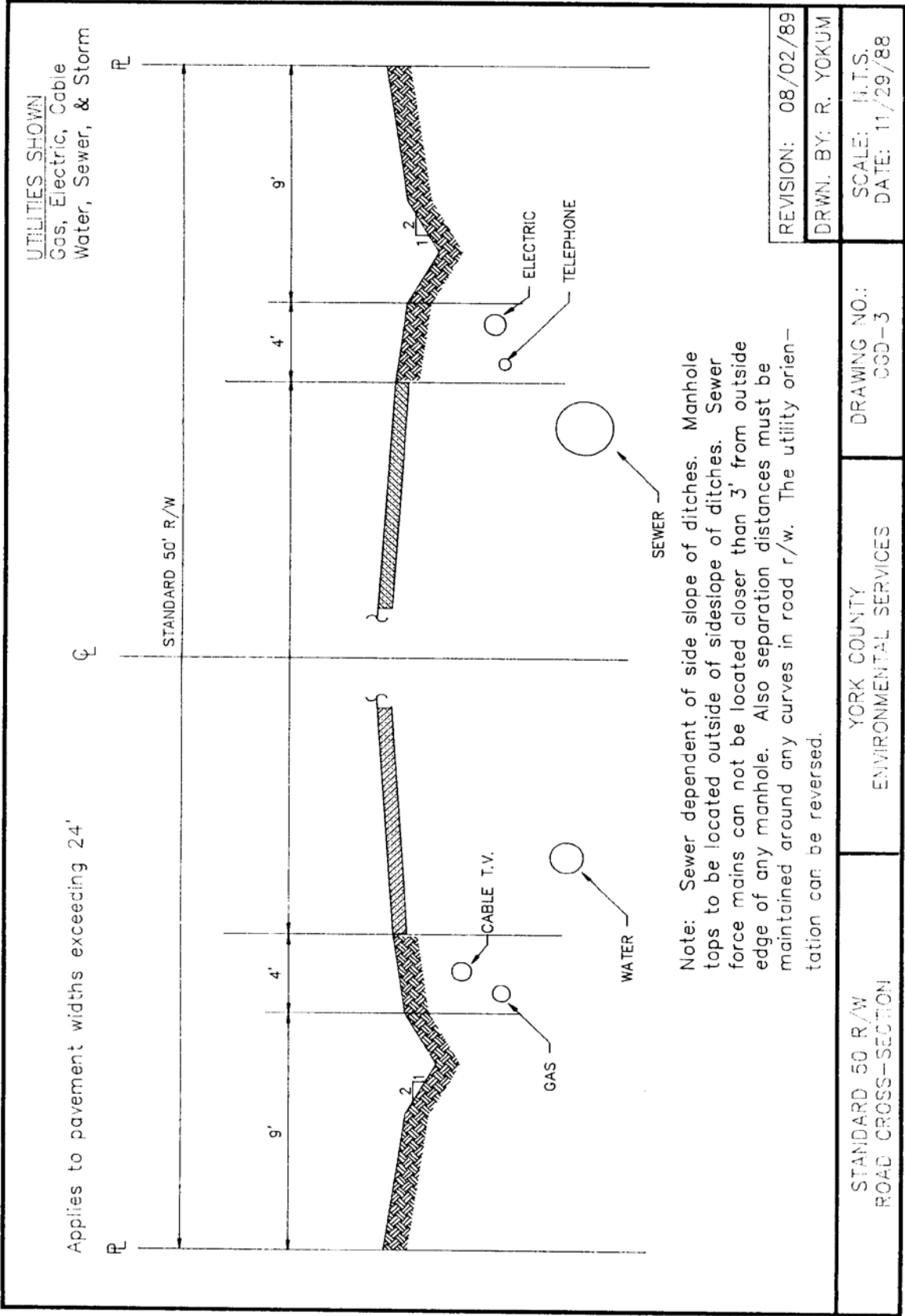


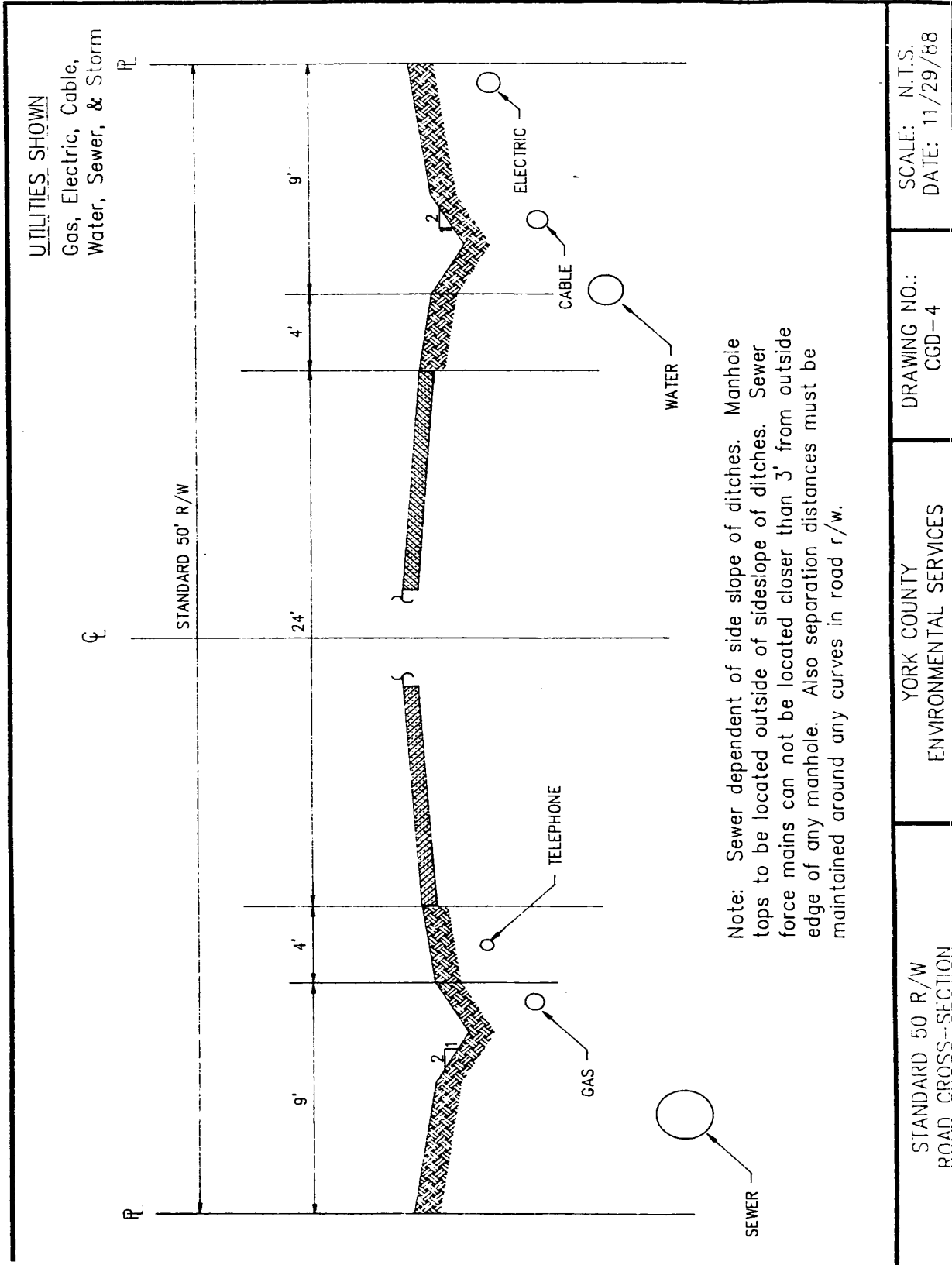
**FIGURE VI-A SIGHT TRIANGLES**











**LETTERING SIZES**

Point Size	Lettering Guide No. (Size)	Sample Letters	Recommended Pen Size
5	T50CL	ABCDEFGHIJKLMNOPQRSTUVWXYZabcdefghijklmnopqrstuvwxyz	0000
6	T60CL	ABCDEFGHIJKLMNOPQRSTUVWXYZabcdefghijklmnopqrstuvwxyz	000
8	T80CL	ABCDEFGHIJKLMNOPQRSTUVWXYZ	00
10	T100CL	ABCDEFGHIJKLMNOPQRSTUVWXYZ	00
12	T120CL	ABCDEFGHIJKLMNOPQRSTUVWXYZ	0
14	T140CL	ABCDEFGHIJKLMNOPQRSTUVWXYZ	1
18	T175CL	ABCDEFGHIJKLMNOPQRSTUVWXYZ	2
20	T200CL	ABCDEFGHIJKLMNOPQRSTUVWXYZ	3
24	T240CL	ABCDEFGHIJKLMNOPQRSTUVWXYZ	4
30	T290CL	ABCDEFGHIJKLMNOPQRSTUVWXYZ	5
36	T350CL	ABCDEFGHIJKLMNOPQRSTUVWXYZ	6
42	T425CL	ABCDEFGHIJKLMNOPQRSTUVWXYZ	7
48	T500CL	ABCDEFGHIJKLMNOPQRSTUVWXYZ	8
64	T700C	ABCDEFGHIJKLMNOPQRSTUVWXYZ	9
84	T1000C	ABCDEFGHIJKLMNOPQRSTUVWXYZ	10

**LINE WIDTHS**

6x0 13	4x0 18	3x0 25	00 30	0 35	1 50	2 60	2½ 70	3 80	3½ 100	4 120	6 140	7 200
005 in 13 mm	007 in 18 mm	010 in 25 mm	012 in 30 mm	014 in 35 mm	020 in 50 mm	024 in 60 mm	028 in 70 mm	031 in 80 mm	039 in 100 mm	047 in 120 mm	055 in 140 mm	079 in 200 mm

## APPENDIX B

## COUNTY OF YORK



## SUBDIVISION AGREEMENT

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between \_\_\_\_\_,

*(list full legal names of all owners of record, state of incorporation if incorporated, type of partnership if a partnership, or marital status if individual)* hereinafter referred to as the "Owner," and the COUNTY OF YORK, Virginia, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as the "County":

## WITNESSETH:

WHEREAS, the Owner owns a certain parcel of land located in the County, hereinafter referred to as the "Property," having acquired the same by instrument(s) of record in the Clerk's Office of the Circuit Court of York County, Virginia, in Deed Book(s) \_\_\_\_, page(s) \_\_\_\_; and

WHEREAS, the Property is being subdivided by the Owner into the subdivision known as "\_\_\_\_\_", and the Owner has caused a plat of subdivision, dated \_\_\_\_\_, 20\_\_\_\_, to be prepared by \_\_\_\_\_, which plat the Owner desires to admit to record in the Clerk's Office of the Circuit Court for the County of York, Virginia, hereinafter referred to as the "Plat"; and

WHEREAS, the Owner agrees to construct on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, all physical improvements, hereinafter referred to as the "Improvements", shown on the development plans labeled "\_\_\_\_\_", dated \_\_\_\_\_, and approved by the County on \_\_\_\_\_, and such other plans and specifications for development of the subdivision approved by the County, all of which documents are on file in the County's Department of Environmental and Development Services, are incorporated by reference, and are hereinafter collectively referred to as the "Plans"; and

WHEREAS, the Owner has submitted to the County herewith (circle one of the following) sufficient letter of credit, cash, or a certified check, in the amount of \$\_\_\_\_\_, hereinafter referred to as the "Surety," securing the timely construction and completion of the Improvements and performance of the terms and conditions of this Agreement; and

WHEREAS, the County has agreed that it will approve the final plat of said subdivision and authorize its recordation upon the execution of this Agreement.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That for and in consideration of the premises and the covenants and agreements herein contained, the parties hereto agree as follows:

1. The County agrees that, upon proper execution of this Agreement by the Owner and receipt of the Surety and receipt of the deeds described in Paragraph 8 below, it will approve the Plat for recordation. If the Surety is a letter of credit, it must be in the form attached as Exhibit A and completed in conformance with the instructions attached thereto, approved by the County Attorney as to form, content and issuing institution, and acceptable as to amount, effective period, and otherwise to the County Administrator. Letters of credit shall be in effect for a minimum period of sixty (60) days beyond the date for completion of the Improvements.
2. The Owner agrees that the Owner will, without cost to the County, on or before the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, construct and complete the Improvements to the satisfaction of and to the standards and specifications of the County and all other governmental agencies or authorities having jurisdiction over the Improvements, including, but without limitation, the Virginia Department of Transportation.
3. The County may enter upon the Property to complete the Improvements and may draw on the Surety in the following events:
  - a. The Owner fails to complete the Improvements by the date specified in paragraph 2 above.
  - b. The Owner fails to complete by the date specified in paragraph 2 above the Improvements to the satisfaction of and to the standards and specifications of the County and all other governmental agencies or authorities having jurisdiction over the Improvements, including but without limitation, the Virginia Department of Transportation.
  - c. The Owner fails to commence construction of the Improvements at least \_\_\_\_ days prior to the date specified in paragraph 2 above.
  - d. The insolvency of, appointment of a receiver for, or the filing of a voluntary or involuntary petition in bankruptcy against or by the Owner.
  - e. The commencement of a foreclosure proceeding of a lien against the Property or its conveyance in lieu of foreclosure.
  - f. Owner breaches any of the terms and conditions of this Agreement.
4. In the event that the County draws on the Surety, it may use such funds to complete the Improvements or cause them to be completed. The Owner shall be liable to the County for any and all costs of completing the Improvements which shall be in excess of the Surety. It is the purpose and intent of the parties that the amount of the Surety shall have been determined to be sufficient to defray not only the anticipated cost of completing or having completed the Improvements but also unanticipated cost overruns, the cost incurred by the County in drawing on the Surety, an administrative fee in the amount of \$5,000.00, or five (5) percent of the amount of the cost of completing the Improvements, whichever sum is greater, and any and all other reasonable costs which the County has incurred or may conclude, in its sole discretion, are to be incurred. The Owner hereby acknowledges that an administrative fee in the above amount is reasonable compensation to the County for its costs in drawing on the Surety and, when necessary, causing the Improvements to be completed.

The Owner acknowledges and agrees that the County is under no obligation to give any notice to the Owner of its intent to draw on the Surety in any of the events specified in this Agreement.
5. The County shall, upon drawing on the Surety, deposit the same in an interest-bearing account to the extent not needed to cover expenditures made or reasonably anticipated to be made in the near future, but the County shall have no responsibility to deposit or maintain any of such funds in an account at the maximum interest available. Upon completion of the Improvements, as determined by the County, and payment of all expenses incurred by the County in connection therewith, any unexpended funds, including any interest earned thereon, shall be returned to the Owner.
6. The County shall not be liable to the Owner or to any third party for the manner in which the Improvements are completed, any delay in effecting completion, the fact that the cost of completion is in excess of or less than the amount made available by drawing on the Surety or any part thereof, or that the County has drawn down the entire amount of the Surety even though it subsequently develops that the entire amount was not required to carry out the provisions of this Agreement.

7. The Owner acknowledges that the County is under no obligation to extend the time herein provided for completion of the Improvements by the Owner. However, in the event that the County unilaterally agrees in writing to do so, such writing shall, without more and without formal execution of any other agreement by the parties, constitute such an extension, and all of the terms of this Agreement shall continue in effect for the duration of such extension insofar as they are not inconsistent with the terms of the extension; provided, however, that no extension shall be effective until or unless the Owner furnishes to the County a new or amended Surety acceptable to the County if requested by the County. The County may require that the amount of the Surety be increased if an extension is permitted.
8. The Owner agrees to execute and to deliver to the County a deed of easement, approved as to form by the County Attorney, conveying to the County those easements identified on the Plat as easements running to the County. The Owner also agrees to execute and to deliver to the County a deed, approved as to form by the County Attorney, conveying fee simple title, with general warranty, to the County those areas, such as pump station sites or well lots, that are to be conveyed to the County, and to provide the County at Owners' expense an owner's title insurance policy issued by a company acceptable to the County Attorney, containing no exceptions as to title which are not acceptable to the County Attorney, and in such amount as may be determined reasonable and appropriate by the County Administrator.
9. It is mutually understood and agreed that if the Owner shall faithfully execute all requirements of this Agreement and all relevant laws and regulations, and shall indemnify, protect and save the County, its officers, agents and employees harmless from all loss, damage, expense or cost by reason of any claim made or suit or action instituted against the County, its officers, agents or employees on account of or in consequence of any breach on the part of the Owner, all of which the Owner hereby covenants to do, then the aforementioned Surety shall be released by the County to the Owner; provided, however, that release of the Surety shall not in any way or to any extent release, diminish or otherwise reduce any obligation or liability of the Owner provided in this Agreement.
10. The Owner does further hereby agree to indemnify, protect and save the County, its officers, agents, and employees harmless from and against all losses and physical damages to property, and bodily injury or death to any person or persons, which may arise out of or be caused by the construction, maintenance, presence or use of the streets, utilities and public easements required by, and shown on, the Plans and the Plat until such time as the said streets, utilities and public easements shall be accepted as a part of the County's systems, or those of its agencies, or the State System of Secondary Highways, as the case may be.
11. It is mutually understood and agreed that approval of the Plat shall not, by such approval alone, be deemed to be an acceptance by the County or other applicable agency of any street, alley, public space, sewer or other physical improvements shown on the Plat or the Plans for maintenance, repair or operation thereof, and that the Owner shall be fully responsible therefor and assume all of the risks and liabilities therefor, until such time as the County or other applicable agency has formally accepted them.
12. Upon completion of the Improvements, other than public roads, the Owner shall apply to the Subdivision Agent for final inspection of them and approval for acceptance. After approval of the Improvements by the Agent, Surety shall be maintained for an additional period of one year in the amount of five (5) percent of the cost of the Improvements, other than public roads or any other Improvement for which the materials or workmanship are otherwise guaranteed for a period of at least one year. During this one year period, Owner shall correct any defects in materials or workmanship in the installation of the Improvements. In the event Owner fails to do so after being requested to do so by the County, the County may draw on the Surety in order to affect such corrections.
13. The Owner shall, with regard to any Improvement to be conveyed to the County or any agency thereof:
  - a. When requested by the County, furnish the County permanent, blackline, reproducible "as built" drawings of such Improvement on 0.003 inch polyester film, in a form satisfactory to the County; and
  - b. Notify the Subdivision Agent prior to the conduct of any required test or final inspections of the Improvement; and
  - c. Furnish, through Owner's engineer, test reports prepared by an independent testing laboratory in accordance with the ACI Code for any structural concrete

installed in the subdivision, and furnish a manufacturer's certification that all pipe installed in the subdivision meets applicable ASTM specifications; and

- d. Be responsible for and bear all costs imposed upon the County by the Virginia Department of Transportation for inspections and/or testing of any roadway, drainageway or other facility shown on the Plans to be accepted by such Department.

- 14. The Owner warrants that there are no deeds of trust of record pertaining to the Property other than the ones identified below:

<u>Deed of Trust</u>	<u>Amount of Note Holder</u>	<u>Date of Deed of Trust</u>	<u>List all Trustees</u>	<u>Deed Book, Page</u>
----------------------	----------------------------------	----------------------------------	------------------------------	----------------------------

- 1.
- 2.
- 3.

- 15. The Owner shall be entitled to periodic partial and final complete release of the Surety pursuant to and if Owner complies with provisions of § 15.2-2245, Code of Virginia (1950), as amended, and, in the case of a partial release, furnishes the County with new Surety in the reduced amount, in the case of a bond.

- 16. This Agreement shall be binding upon the Owner and the Owner's successors and assigns.

- 17. Owner agrees, upon notification in writing by the County at any time after recordation of the Plat, that if an error has been discovered in such Plat, to record, at Owner's expense, an amended or corrected Plat, or other document acceptable to the County, to correct the error.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures and seals:

OWNER:

INDIVIDUAL OR INDIVIDUALS

\_\_\_\_\_(SEAL)

\_\_\_\_\_(SEAL)

CORPORATION

Attest:

By: \_\_\_\_\_(SEAL)  
President (attach copy of corporate  
resolution authorizing execution)

\_\_\_\_\_  
Secretary

PARTNERSHIP

By: \_\_\_\_\_(SEAL)  
General Partner

\*\*\*\*\*

Approved as to form:



\_\_\_\_\_  
County Attorney

COUNTY OF YORK, Virginia

By: \_\_\_\_\_  
County Administrator

COMMONWEALTH OF VIRGINIA

County of York, to-wit:

I, \_\_\_\_\_, a Notary Public for the Commonwealth of Virginia at large, do hereby certify that \_\_\_\_\_, whose name as the Owner of the Secondary Parcel(s) is signed to the foregoing agreement bearing the date of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, has acknowledged the same before me in the jurisdiction aforesaid.

Given under my hand the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**CODE OF THE COUNTY OF YORK****CHAPTER 20.5**

(PUT ON BANK LETTERHEAD)

IRREVOCABLE LETTER OF CREDIT NO. (1)

\_\_\_\_\_ (2) \_\_\_\_\_

County of York  
 c/o Mr. James O. McReynolds  
 County Administrator  
 P. O. Box 532  
 Yorktown, Virginia 23690

Re: \_\_\_\_\_ (3) \_\_\_\_\_ (13) \_\_\_\_\_

Gentlemen:

We hereby establish our Irrevocable Letter of Credit No. \_\_ (1) \_\_ in your favor, for the account of \_\_\_\_\_ (3) \_\_\_\_\_, available by your drafts drawn at sight on us up to the aggregate amount of \_\_\_\_\_ (4) \_\_\_\_\_, each such draft accompanied by the following document:

Your written statement certifying that \_\_\_\_\_ (3) \_\_\_\_\_ has defaulted in the performance of the terms and conditions of \_\_\_\_\_ (5) \_\_\_\_\_ Agreement with you, dated the \_\_ (6) \_\_ day of \_\_ (6) \_\_, 20\_\_ (6) \_\_, and that you are, in consequence, entitled to the amount of the accompanying draft.

All drafts drawn under this letter of credit must be marked "Drawn under \_\_ (7) \_\_ Letter of Credit No. \_\_ (1) \_\_ dated \_\_ (2) \_\_."

This credit is valid until \_\_\_\_\_ (8) \_\_\_\_\_ and drafts drawn hereunder, if accompanied by document as specified above, will be honored if presented on or before that date to \_\_\_\_\_ (9) \_\_\_\_\_ at \_\_\_\_\_ (10) \_\_\_\_\_ or, if said bank is not doing business at that address, then to any other address or location of said bank or its successor.

Except as otherwise expressly stated herein, this credit is subject to the "Uniform Customs and Practice for Documentary Credits," fixed by International Chamber of Commerce Publication No. 400, 1983 revision.

Very truly yours,

\_\_\_\_\_ (7) \_\_\_\_\_

By: \_\_\_\_\_ (11) \_\_\_\_\_

\_\_\_\_\_ (12) \_\_\_\_\_

- (1) Number assigned to letter of credit by bank.
- (2) Date issued.
- (3) Name of person, corporation, or partnership submitting letter of credit.
- (4) Amount of letter of credit written in words and numerals; i.e., fifty thousand and no/100 dollars (\$50,000.00).
- (5) Insert "his," "her," "its" or "their," as appropriate.
- (6) Date shown on agreement.
- (7) Name of bank.
- (8) Expiration date of letter of credit.

- (9) Name and address of bank.
- (10) Address of bank or branch thereof where letter of credit is to be presented. No letter of credit will be acceptable unless it may be presented at a bank office in York County, Gloucester County, James City County, or in the City of Newport News, Hampton, Poquoson, Williamsburg, Norfolk, Virginia Beach, Chesapeake, or Richmond.
- (11) Signature of authorized officer of bank.
- (12) Title of authorized officer of bank.
- (13) Name of project.